

final passage and take effect and be in force from and after its passage, and it is so enacted.

PETITION.

By Senator Gibson:

A resolution from the Paris Board of Trade requesting the Governor to submit certain legislation.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Monday, August 18, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Harley. | Westbrook. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

Morning call concluded.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Lattimore:

Resolved, That the chairman of the Contingent Committee be instructed to pay Ellis Monroe, Chester Odom, Erwin Hatcher and Horace Nichols, porters, \$2 per day for two days each for cleaning the Senate Chamber before Senate convened.

The resolution was read and adopted.

EXECUTIVE SESSION—TIME SET FOR.

The Chair here announced that the hour for the Senate to hold executive session had arrived, and

Senator McNealus moved that the executive session be postponed and that the Senate hold executive session tomorrow morning at 10 o'clock, for the purpose of considering appointments sent to the Senate on August 12, 14, 15 and 16.

OATH OF OFFICE ADMINISTERED.

Senator Hudspeth asked unanimous consent to make a privileged motion in writing, which motion is as follows:

Whereas, The Hon. W. L. Hall has been elected a State Senator to fill the unexpired term of Senator J. E. Kauffman, deceased; and

Whereas, It is conceded that Hon. W. L. Hall has been elected by a large majority; therefore, be it

Resolved, That Mr. Hall be called to the President's stand and the oath of office as a State Senator be administered to him.

The above motion was read, and

Senator Lattimore made the point of order that the motion was not a privileged motion and could not displace the pending motion, and the Chair sustained the point of order.

Senator McNealus then withdrew his motion, and action recurred on motion by Senator Hudspeth, and the same was adopted.

Senator-elect Hall was escorted to the President's stand, whereupon the constitutional oath of office was administered him by Lieutenant Governor Mayes.

EXECUTIVE SESSION—TIME SET FOR.

Action then recurred on the motion to fix the time for executive session to consider the appointments sent to the Senate by the Governor, that have not been confirmed, which motion was adopted.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, prohibiting any person, firm, corporation or any office, agent or employe thereof, from delivering to any other person, firm, corporation or any officer, agent or employe thereof, any intoxicating liquor for shipment, transportation or carriage from any point within this State to any other point within this State; prohibiting any person, firm, corporation or any officer, agent, or employe thereof from receiving for shipment, transportation or carriage, or from shipping, transporting, carrying or delivery any intoxicating liquor from any point within this State to any other person, firm or corporation, or any officer, agent or employe thereof, within this State; providing that this act shall not apply to any person personally carrying any intoxicating liquor from any point within this State to any other point within this State for the use of himself or members of his family residing with him; providing this act shall not apply to the transportation, carriage, or delivery of intoxicating liquors to persons licensed under the laws of this State to sell spirituous, vinous or malt liquors; providing that this act shall not prohibit the shipment, transportation or delivery by persons licensed under the laws of this State to sell spirituous, vinous or malt liquors within the county or subdivision of a county in which such persons are authorized or licensed under the laws of this State to pursue such business; providing that this act shall not apply to the interstate shipment or delivery of intoxicating liquors; providing exception to this act for sacramental purposes; providing penalties for violation of the provisions of this act, repealing all laws in conflict herewith; providing that if any section or part of this act shall be held to be invalid that this fact shall not invalidate any other part of this act; and declaring an emergency,' and repealing Section 8 and providing for the shipment, transportation, carriage and delivery of alcohol to drug stores, hospitals, educational or eleemosynary institutions of this State for scientific or medicinal purposes; and prohibiting the transportation, carriage and delivery of intoxicating liquor within this State or the shipment originating and beyond the

limits as well as within this State, and declaring an emergency."

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing of the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and providing for the reinstatement of such license, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILLS ON FIRST READING.

The Chair (Lieutenant Governor Mayes) referred, after their captions had been read, the following House bills:

House bill No. 35, referred to Judiciary Committee No. 2.

House bill No. 36, referred to Judiciary Committee No. 2.

HOUSE BILL NO. 57.

The pending business being a motion to suspend the pending business and take up Senate bill No. 41, unanimous consent was given to take up House bill No. 57.

The Chair laid before the Senate, on second reading,

House bill No. 57, A bill to be entitled "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

The bill was read second time and passed to a third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | McGregor. |
| Brelsford. | McNealus. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

| | |
|---------|---------|
| Hall. | Nugent. |
| Morrow. | |

The bill was read third time and passed by the following vote:

Yeas—28.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | McGregor. |
| Brelsford. | McNealus. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

| | |
|---------|---------|
| Hall. | Nugent. |
| Morrow. | |

Senator Westbrook moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 53, A bill to be entitled "An Act granting permission to the Imperial Sugar Company, a private corporation, its successors and assigns, to

bring suit or suits against the State of Texas and the Prison Commission of the State of Texas for specific performance and to ascertain, fix and establish the amount of any damages that may accrue to and be sustained by the Imperial Sugar Company, its successors and assigns, for any breach that may take place of a certain agreement entered into between the Imperial Sugar Company and the Prison Commission, approved by the Governor, for the sale and delivery for — years of the sugar cane that is grown on 2250 acres of the State's lands, being a part of its penitentiary system, the said contract being entered into contemporaneously with an agreement by which the Imperial Sugar Company agrees to dismiss its suit against the Prison Commission of Texas now pending in the district court of Fort Bend county, being cause No. 7151 on the docket of said court, styled 'Imperial Sugar Company vs. Ben E. Cabell et al.,' in which is involved the title to what is known as the Imperial Farm, heretofore purchased by the State of Texas from the Imperial Sugar Company, and containing 5435 acres of land, more or less, situated in Fort Bend county, Texas, the said suit to be dismissed by the plaintiff and said lands conveyed unconstitutionally to the State of Texas free from all liens and encumbrances whatsoever in consideration that the said Imperial Sugar Company, its successors and assigns, be granted the right to bring suit or suits for specific performance and for damages that may be sustained for any breach of said contract or agreement for the sale and delivery of sugar cane; fixing the venue of any such suit or suits, and declaring an emergency."

House bill No. 54, A bill to be entitled "An Act to amend Section 5695, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's liens on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency."

House bill No. 78, A bill to be entitled "An Act providing for the abolition of drainage districts, heretofore organized, or that may hereafter be organized, under the General Laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects

of said abolished district, and for the collecting of claims or debts against such districts, and winding up the affairs thereof, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk House of Representatives.

HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 53, referred to Judiciary Committee No. 1.

House bill No. 54, referred to Judiciary Committee No. 1.

House bill No. 78, referred to Committee on Mining and Irrigation.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Townsend:

I move that after this time and for the remaining portion of this session of the Legislature that we take up House bills only, with the exception of Senate local bills.

The resolution was read and Senator Terrell moved to table the same, which motion was adopted by the following vote:

Yeas—16.

| | |
|--------------------|-----------|
| Astin. | McNealus. |
| Bailey of De Witt. | Morrow. |
| Bailey of Harris. | Oliver. |
| Darwin. | Real. |
| Gibson. | Terrell. |
| Greer. | Warren. |
| Hudspeth. | Watson. |
| Johnson. | Willacy. |

Nays—9.

| | |
|------------|------------|
| Carter. | Taylor. |
| Clark. | Townsend. |
| Conner. | Westbrook. |
| Lattimore. | Wiley. |
| McGregor. | |

Present—Not Voting.

| | |
|------------|---------|
| Brelsford. | Hall. |
| Collins. | Harley. |
| Cowell. | |

Absent.

Nugent.

SENATE BILL NO. 41.

(Pending Business.)

Action recurred on the pending motion to suspend the regular order of business and take up, out of its order, Senate bill No. 41.

Senator McGregor moved to table the motion, which motion was lost by the following vote:

Yeas—13.

| | |
|-------------------|------------|
| Bailey of DeWitt. | Lattimore. |
| Bailey of Harris. | McGregor. |
| Clark. | Townsend. |
| Collins. | Westbrook. |
| Hall. | Wiley. |
| Harley. | Willacy. |
| Johnson. | |

Nays—14.

| | |
|-----------|----------|
| Astin. | Nugent. |
| Carter. | Oliver. |
| Darwin. | Real. |
| Gibson. | Taylor. |
| Greer. | Terrell. |
| Hudspeth. | Warren. |
| McNealus. | Watson. |

Present—Not Voting.

| | |
|------------|---------|
| Brelsford. | Cowell. |
| Conner. | |

Absent.

Morrow.

Action then recurred on the motion to suspend the regular order of business and take up Senate bill No. 41, which motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—13.

| | |
|-----------|----------|
| Astin. | Oliver. |
| Darwin. | Real. |
| Greer. | Terrell. |
| Hudspeth. | Warren. |
| McNealus. | Watson. |
| Morrow. | Willacy. |
| Nugent. | |

Nays—15.

| | |
|-------------------|------------|
| Bailey of DeWitt. | Johnson. |
| Bailey of Harris. | Lattimore. |
| Clark. | McGregor. |
| Collins. | Taylor. |
| Conner. | Townsend. |
| Gibson. | Westbrook. |
| Hall. | Wiley. |
| Harley. | |

Present—Not Voting.

| | |
|------------|---------|
| Brelsford. | Cowell. |
| Carter. | |

SENATE BILL NO. 23.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein and to repeal all laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—31.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of DeWitt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

The bill was read third time and passed by the following vote:

Yeas—29.

| | |
|-------------------|------------|
| Astin. | Johnson. |
| Bailey of DeWitt. | Lattimore. |
| Bailey of Harris. | McGregor. |
| Brelsford. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Harley. | Willacy. |
| Hudspeth. | |

Absent.

Terrell. Warren.

Senator Hudspeth moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand, and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILLS ON FIRST READING.

The Chair, Lieutenant Governor Mayes, referred, after their captions had been read, the following House bills:

House bill No. 79, referred to Committee on Commerce and Manufacturers.

House bill No. 84, referred to Committee on Internal Improvements.

HOUSE BILL NO. 44.

The Chair laid before the Senate, on second reading and special order,

House bill No. 44, A bill to be entitled "An Act to amend Chapter 5 of the Revised Criminal Statutes of Texas of 1911, and Title 131 of the Revised Civil Statutes of Texas of 1911; providing for the conduct of the business of public warehousemen, describing what constitutes such warehouse, and defining who shall be held to be public warehousemen; providing that all persons, firm and corporations, associations of persons, shall obtain a certificate of authority from the county clerk of the county in which they intend to engage in said business of warehousemen, and defining the requisites of said certificate; providing that such warehousemen shall issue negotiable and non-negotiable receipts for property stored in such warehouses, and vesting the supervision of such public warehouses in the Commissioner of Insurance and Banking, and defining his duty with reference to such warehouses, and directing said Commissioner to prescribe uniform public warehouse receipts for cotton; and requiring that any encumbrance on cotton stored in public warehouses shall be disclosed in the endorsement on the back of such negotiable receipt or certificate, and providing a penalty for failure to truthfully disclose such facts; preventing public warehousemen, by provisions inserted in their receipts, from limiting their liability under the law; providing for the negotiability of receipts issued; providing a penalty for public warehousemen who violate the provisions of this act; providing the conditions under which private warehousemen may conduct such business; providing for the appointment of a board of cotton grading examiners and defining their duties; requiring public warehousemen storing cotton to employ a competent cotton classifier, and affixing a penalty for failure to do so."

Senator Lattimore moved that the committee report be amended so as to read "be not printed, but printed in the Journal," which motion prevailed.

The committee report was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend House bill No. 44 as follows: Amend caption, line 1, by inserting after the word "amend," and before the word "chapter," the following: "Articles 969, 970, 971, 972, 973, 974, 975, 976 and 977, of" and by inserting after the words and figures "Chapter 5," the following: "Title 14," and by inserting before the word "Revised" the following: "Penal Code of the," and further amend said caption, line 2, by inserting after the word "and," the following: "to amend Articles 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826 and 7827," also amend Section 1 of said bill, line 2, by inserting the words "Title 14," between the figure "5" and the word "of," and the words "Penal Code of the" between the words "the" and the word "Revised."

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|-------------------|------------|
| Astin. | Johnson. |
| Bailey of Harris. | Lattimore. |
| Brelsford. | McGregor. |
| Carter. | McNealus. |
| Clark. | Morrow. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

| | |
|-------------------|----------|
| Bailey of DeWitt. | Terrell. |
| Nugent. | |

Senator Morrow offered the following amendment:

Amend the bill, page 2, line 35, by inserting after the word "warehouseman," the following: "to safely preserve such cotton, and deliver the same to the holder of the warehouse receipt, or pay the value thereof."

The amendment was read and adopted by the following vote:

Yeas—25.

| | |
|------------|----------|
| Astin. | Collins. |
| Brelsford. | Conner. |
| Carter. | Darwin. |
| Clark. | Greer. |

| | |
|------------|------------|
| Hall. | Real. |
| Harley. | Taylor. |
| Hudspeth. | Terrell. |
| Johnson. | Townsend. |
| Lattimore. | Warren. |
| McGregor. | Watson. |
| Morrow. | Westbrook. |
| Nugent. | Wiley. |
| Oliver. | |

Present—Not Voting.

Willacy.

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | Gibson. |
| Bailey of Harris. | McNealus. |
| Cowell. | |

Senator Lattimore offered the following motion in writing:

I move that the Senate rescind the vote by which House bill No. 44 was passed to third reading.

The motion was read and adopted.

Senator Darwin offered the following amendment:

Amend the bill, page 6, by striking out Section 16.

WILLACY,
DARWIN.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved. That the special committee having charge of the placing of an order for the Senate Chamber picture of the members of the Thirty-third Senate be authorized and instructed to have a supplemental order filled, so as to place on the bottom margin of the picture the photographs of the six Senators elected to fill vacancies and who are now serving in the Senate, namely, I. E. Clark, Earl M. Greer, James A. Harley, John H. Bailey, A. C. Oliver and W. L. Hall; also that the word "supplemental" be placed above these photographs and the words "served to fill vacancies" be placed below them.

The resolution was read and adopted.

Senator Westbrook moved that Senator

McNealus be added to the committee, which motion prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 25. A bill to be entitled "An Act to authorize the Governor, Attorney General and Land Commissioner to lease the water rights in the Guadalupe river in DeWitt county upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing and also providing means of adjusting damage for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation; the manner of measuring water; and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made and fixing the rights of purchasers of said leaseholds, and declaring an emergency," with amendments.

Senate bill No. 45. A bill to be entitled "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

Senate bill No. 22. A bill to be entitled "An Act to create a more efficient road law for Hall county, and declaring an emergency."

The House adopts Free Conference Committee report on Senate bill No. 3 by the following vote: Yeas, 104; nays, 2.

Respectfully,

W. R. LONG,

Chief Clerk House of Representatives.

HOUSE BILL NO. 24—REPORT OF FREE CONFERENCE COMMITTEE.

By Senator McGregor:

Committee Room,
Austin, Texas, August 18, 1913.Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,
Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 24, with Senate amendments thereto, have had same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 24 do pass in lieu thereof.

McGREGOR,
BRELSFORD,
TAYLOR,
BAILEY,
JOHNSON,
WILLACY,
On the part of the Senate.
WORTHAM,
HILL,
GOODNER,
KIRBY,
WOODS of Navarro,
On the part of the House.

A BILL

To be entitled

An Act making appropriations to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them, as follows, to wit: State Orphans' Home; Confederate Home; Confederate Woman's Home; Blind Institute; Deaf and Dumb Institute; Epileptic Colony; Deaf, Dumb and Blind Institute for Colored Youths; State Institution for the Training of Juveniles; Tuberculosis Sanitarium at Carlsbad; State Lunatic Asylum; Southwestern Insane Asylum, and North Texas Hospital for the Insane and State Training School for Girls and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain eleemosynary institutions of the State from September 1, 1913, to August 31, 1915, as follows, to wit:

State Orphans' Home.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| Salary of Superintendent, with provisions for himself and family not to exceed \$500 per annum, and fuel, lights, laundry, water and housing..... | \$ 1,800 00 | \$ 1,800 00 |
| Salary of principal of school, with board for nine months | 810 00 | 810 00 |
| Salary of chaplain to act as teacher during school time in connection with his duties as chaplain..... | 720 00 | 720 00 |
| Salary of teacher of English and Latin..... | 540 00 | 540 00 |
| Salary of teacher of history and civics..... | 540 00 | 540 00 |
| Salary of teacher of music, vocal and instrumental.... | 540 00 | 540 00 |
| Salary of teacher of commercial course..... | 540 00 | 540 00 |
| Salary of two primary teachers at \$45 per month each. | 810 00 | 810 00 |
| Salary of one grade teacher..... | 405 00 | 405 00 |
| Salary of instructor in cooking, sewing and manual training | 1,000 00 | 1,000 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of head matron..... | \$ 540 00 | \$ 540 00 |
| Salary of one assistant matron and four ward matrons..... | 1,500 00 | 1,500 00 |
| Salary of chief cook..... | 500 00 | 500 00 |
| Salary of two assistant cooks..... | 600 00 | 600 00 |
| Salary of one assistant laundress..... | 240 00 | 240 00 |
| Salary of stewardess..... | 240 00 | 240 00 |
| Salary of head laundress..... | 300 00 | 300 00 |
| Salary of industrial manager..... | 1,200 00 | 1,200 00 |
| Salary of farm laborers and gardeners..... | 600 00 | 600 00 |
| Salary of night watchman..... | 420 00 | 420 00 |
| Salary of physician not to live at the Home..... | 600 00 | 600 00 |
| Salary of trained nurse in hospital..... | 720 00 | 720 00 |
| Salary of engineer, electrician and plumber..... | 900 00 | 900 00 |
| Salary of shoe and harness repairer..... | 420 00 | 420 00 |
| Salary of instructor in broom and mattress factory.... | 660 00 | 660 00 |
| Salary of carpenter and blacksmith..... | 660 00 | 660 00 |
| Salary of three seamstresses..... | 720 00 | 720 00 |
| Salary of storekeeper and accountant..... | 900 00 | 900 00 |
| Salary of band instructor..... | 300 00 | 300 00 |
| Material, supplies and machinery for mattress factory. | 400 00 | 400 00 |
| General repairing for powerhouse..... | 250 00 | 250 00 |
| Rebuilding and repairing electric lines, and for the purchase of fire extinguishers..... | 2,000 00 | 500 00 |
| Repairing heating lines..... | 150 00 | 150 00 |
| Sewer and plumbing..... | 250 00 | 250 00 |
| Material for heating and light plant..... | 300 00 | 300 00 |
| Fuel | 4,000 00 | 4,000 00 |
| Postage and stationery..... | 200 00 | 200 00 |
| School supplies, books, crayon, tablets, pencils, furniture, etc..... | 600 00 | 600 00 |
| Transportation | 250 00 | 250 00 |
| Telephone rent | 100 00 | 100 00 |
| Purchasing mules, horses, vehicles and farm implements | 600 00 | 300 00 |
| General maintenance and pay for board of managers... | 30,360 00 | 30,360 00 |
| Improving grounds and driveways..... | 300 00 | 300 00 |
| Stock and forest trees..... | 75 00 | 75 00 |
| Installing storage batteries for lighting purposes for dormitories | 500 00 | 500 00 |
| For the construction and furnishing of toilet and bath room to be 18x18, equipped with five comodes and three bath tubs; said building to be of brick with concrete floor and metal roof..... | 1,200 00 | |
| For the construction, equipping and installing apparatus in manual training, domestic science, domestic art and commercial building complete..... | 15,000 00 | |
| Total | \$ 76,260 00 | \$ 58,260 00 |

Provided, that the interest on all securities held by the Orphan Asylum fund is hereby appropriated in part payment of the appropriation of the State Orphan Home, the remainder of the appropriation to be paid out of the general revenue.

Provided, that all proceeds of sale of all products raised or manufactured at the State Orphan Home shall be turned into the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Confederate Home.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|--------------|--------------|
| Salary of Superintendent with provisions for himself and family, not to exceed \$500 per annum, and fuel, light, water and housing..... | \$ 2,000 00 | \$ 2,000 00 |
| Support and maintenance, including pay for Board of Trustees, burial of the dead and compensation of chaplain | 55,000 00 | 55,000 00 |
| Salary of surgeon, to include attendance upon Confederate Woman's Home..... | 2,000 00 | 2,000 00 |
| For treatment of ear, eye and nose..... | 300 00 | 300 00 |
| Salary of storekeeper and accountant, who shall be bookkeeper | 900 00 | 900 00 |
| Salary of matron..... | 480 00 | 480 00 |
| Salary of apothecary..... | 780 00 | 780 00 |
| Salary of chief cook..... | 600 00 | 600 00 |
| Salary of baker..... | 480 00 | 480 00 |
| Salary of two assistant cooks at \$240 each..... | 480 00 | 480 00 |
| Salary of head waiter..... | 300 00 | 300 00 |
| Salary of ten waiters at \$180 each..... | 1,800 00 | 1,800 00 |
| Salary of chief cook at hospital..... | 600 00 | 600 00 |
| Salary of assistant cook at hospital..... | 240 00 | 240 00 |
| Salary of stewardess at hospital..... | 480 00 | 480 00 |
| Salary of two trained nurses..... | 1,200 00 | 1,200 00 |
| Salary of five male nurses..... | 1,440 00 | 1,440 00 |
| Salary of two night nurses..... | 720 00 | 720 00 |
| Salary of three hospital waiters..... | 540 00 | 540 00 |
| Salary of one scrubber..... | 180 00 | 180 00 |
| Salary of barber..... | 360 00 | 360 00 |
| Salary of head laundryman..... | 500 00 | 500 00 |
| Salaries of six laundresses..... | 1,080 00 | 1,080 00 |
| Salary of carpenter and plumber..... | 600 00 | 600 00 |
| Salary of seamstress | 480 00 | 480 00 |
| Salary of one yard man..... | 240 00 | 240 00 |
| To pay hostler, postmaster, wood chopper, day and night guard | 850 00 | 850 00 |
| Salary of driver of delivery wagon..... | 300 00 | 300 00 |
| Shoe repairing | 400 00 | 400 00 |
| Furniture and beds | 600 00 | 600 00 |
| Dry goods and clothing | 11,000 00 | 11,000 00 |
| Transportation | 200 00 | 200 00 |
| Repairs and painting | 800 00 | 800 00 |
| Books, periodicals, newspapers and postage..... | 550 00 | 550 00 |
| Improvements of grounds, to be expended under the supervision of the superintendent..... | 600 00 | 600 00 |
| Medicine, instruments and hospital supplies..... | 2,500 00 | 2,500 00 |
| Kitchen, dining room and laundry supplies..... | 600 00 | 600 00 |
| For dental work | 300 00 | 300 00 |
| Notions | 200 00 | 200 00 |
| Salary of secretary, who shall be stenographer to superintendent | 740 00 | 740 00 |
| For repairs, painting, papering, etc..... | 3,000 00 | |
| One surrey | 125 00 | |
| One delivery wagon | 75 00 | |
| One horse or mule | 150 00 | |
| Total | \$ 96,770 00 | \$ 93,420 00 |

Provided, that the board of managers are hereby authorized to sell such articles of clothing, hats, shoes, queensware, dry goods and supplies as are of no use to the Home and apply the proceeds to the use of said Home.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no

expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Confederate Woman's Home.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

Maintenance and Support—

| | | |
|---|--------------|--------------|
| Groceries, drugs, clothing, laundry, dairy, meat market, vegetables, coal, wood, gas, electric lights and water | \$ 12,000 00 | \$ 12,000 00 |
| Salary of cook | 360 00 | 360 00 |
| Salary of janitor and yardman | 480 00 | 480 00 |
| Salary of night watchman | 480 00 | 480 00 |
| Salaries of two attendants | 480 00 | 480 00 |
| Salaries of two dining room waiters, who shall also assist with kitchen work | 480 00 | 480 00 |
| Salaries of trained nurses to be called at discretion of the superintendent | 600 00 | 600 00 |
| Salary of superintendent | 1,200 00 | 1,200 00 |
| General repairs and plumbing | 400 00 | 400 00 |
| Improvements | 375 00 | |
| Total | \$ 17,005 00 | \$ 16,630 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Blind Institute.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per annum, fuel, light, laundry, water and housing for himself and family | \$ 2,000 00 | \$ 2,000 00 |
| Salary of oculist | 900 00 | 900 00 |
| Salary of medical attendant | 600 00 | 600 00 |
| Salary of storekeeper and accountant with board for self and wife | 1,200 00 | 1,200 00 |
| Salary of matron eleven months, with board | 550 00 | 550 00 |
| Salary of second matron, ten months, with board | 500 00 | 500 00 |
| Salary of principal | 1,500 00 | 1,500 00 |
| Salaries of three high school teachers | 2,700 00 | 2,700 00 |
| Salary of eighth grade teacher | 675 00 | 675 00 |
| Salary of seventh grade teacher | 675 00 | 675 00 |
| Salary of sixth grade teacher | 675 00 | 675 00 |
| Salary of fifth grade teacher | 675 00 | 675 00 |
| Salary of fourth grade teacher | 675 00 | 675 00 |
| Salary of third grade teacher | 675 00 | 675 00 |
| Salary of second grade teacher | 900 00 | 900 00 |
| Salary of first grade and kindergarten teacher | 900 00 | 900 00 |
| Salary of kindergarten assistant | 540 00 | 540 00 |
| Salary of teacher of typewriting and telegraphy | 675 00 | 675 00 |
| Salary of teacher of pipe organ, piano and harmony | 810 00 | 810 00 |
| Salary of teacher of orchestral instruments | 810 00 | 810 00 |
| Salary of piano, mandolin and guitar teacher | 765 00 | 765 00 |
| Salary of teacher of vocal music | 675 00 | 675 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|----------|-----------|
| Salary of teacher of piano tuning and repairing and keeping all pianos in tune and repair.....\$ | 675 00 | \$ 675 00 |
| Salary of teacher of piano and music reader..... | 675 00 | 675 00 |
| Salary of teacher of piano and music reader..... | 675 00 | 675 00 |
| Salary of assistant teacher of orchestral instruments and piano | 675 00 | 675 00 |
| Salary of violin teacher..... | 540 00 | 540 00 |
| Salary of director of girls' industrial department..... | 675 00 | 675 00 |
| Salary of assistant teacher of girls' industrial department without board..... | 360 00 | 360 00 |
| Salary of director of boys' industrial department ten months without board..... | 720 00 | 720 00 |
| Salary of teacher of boys' industrial department without board | 550 00 | 550 00 |
| Salary of trained nurse for girls, nine months with board | 540 00 | 540 00 |
| Salary of trained nurse for boys, nine months with board | 540 00 | 540 00 |
| Salary of physical director for girls..... | 540 00 | 540 00 |
| Salary of physical director for boys..... | 540 00 | 540 00 |
| Salaries of all teachers, not otherwise specified, are for nine months and without board, except those who may be assigned to do dormitory duties and other resident work; provided, the Superintendent in his report shall give the name of every teacher who thus gets board; and provided further, the teacher appointed chief monitress shall receive \$5 per month additional salary | 45 00 | 45 00 |
| Salaries of two seamstresses nine months, and one seamstress three months, with day board..... | 630 00 | 630 00 |
| Salary of house mother for little girls nine months with board | 315 00 | 315 00 |
| Salary of house mother for little boys nine months with board | 315 00 | 315 00 |
| Salary of housekeeper for large boys nine months with board | 315 00 | 315 00 |
| Salary of supervisor of dining room, study hall, showing visitors around, and doing dormitory duty, nine months with board..... | 450 00 | 450 00 |
| Salary of night watchman twelve months without board | 600 00 | 600 00 |
| Salary of engineer, electrician and plumber twelve months with day board..... | 900 00 | 900 00 |
| Salary of assistant engineer, electrician and plumber, ten months with board..... | 500 00 | 500 00 |
| Salary of second assistant engineer five months with board | 150 00 | 150 00 |
| Salary of yard man twelve months with board..... | 360 00 | 360 00 |
| Salary of assistant yard man and hostler twelve months with board | 360 00 | 360 00 |
| Salary of janitor of school building nine months with board | 270 00 | 270 00 |
| Salary of office assistant and stenographer..... | 480 00 | 480 00 |
| Salary of carpenter and painter twelve months, with day board | 480 00 | 480 00 |
| Salaries of one baker and five cooks nine months, with board | 1,665 00 | 1,665 00 |
| Salaries of five dining room girls nine months, with board | 900 00 | 900 00 |
| Salaries of four chambermaids nine months, with board | 720 00 | 720 00 |
| Salary of head laundress twelve months, with board... | 360 00 | 360 00 |
| Salaries of five assistant laundresses nine months, with board | 900 00 | 900 00 |
| Salary of one cook three summer months, with board.. | 90 00 | 90 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|--------------|--------------|
| Salary of one chambermaid three summer months, with board | \$ 60 00 | \$ 60 00 |
| Salaries of six trustees, payable monthly..... | 360 00 | 360 00 |
| Transportation for indigent pupils..... | 1,500 00 | 1,600 00 |
| Dry goods and clothing for indigent pupils..... | 2,000 00 | 2,000 00 |
| Fuel | 4,000 00 | 4,000 00 |
| Water, electric lighting and power..... | 1,800 00 | 1,800 00 |
| To purchase pianos, music in ordinary and point print, dissected maps globes, apparatus for school, kindergarten materials, school furniture, and the Superintendent is authorized to sell or exchange the old pianos now in the Institute at such price as he may be able to get for them..... | 2,000 00 | 2,000 00 |
| General repairs to buildings and grounds, painting buildings and fences, mending and extending concrete walks, enameling iron beds and bath tubs, repairing and upholstering furniture..... | 2,700 00 | 2,700 00 |
| For stamps, stationery, copy books, telephone rent, telephoning and telegraphing..... | 600 00 | 600 00 |
| Maintenance of girls' industrial department, materials, machines and other supplies..... | 800 00 | 800 00 |
| Maintenance of boys' industrial department..... | 3,000 00 | 3,000 00 |
| Groceries, provisions, supplies, printing, medicines, supplies for oculist, contingent and miscellaneous expenses | 2,500 00 | 2,500 00 |
| To purchase swings, graphophones and records, and to provide for other forms of amusement and exercise for the children..... | 250 00 | 250 00 |
| Furniture, furnishings, floor coverings, dining room and kitchen belongings, shower baths, bath tubs, toilet and toilet supplies, and electric steam heating and plumbing supplies | 1,800 00 | 1,800 00 |
| To purchase two horses..... | 400 00 | |
| For remodeling and making fireproof the old buildings | 78,000 00 | |
| To add third story to old buildings..... | 21,000 00 | |
| For iron and concrete porches and galleries..... | 12,000 00 | |
| For electric wiring..... | 3,100 00 | |
| For plumbing | 6,100 00 | |
| For replacing entire heating system..... | 14,700 00 | |
| New powerhouse and laundry..... | 12,000 00 | |
| New boiler and moving and resetting old ones..... | 3,500 00 | |
| For changing old powerhouse into hospital and equipping | 8,500 00 | |
| One mangle for laundry..... | 1,000 00 | |
| Sewer with all connections..... | 1,100 00 | |
| Extending the underground conduit..... | 1,000 00 | |
| For an electric motor..... | 225 00 | |
| To purchase additional grounds, or so much thereof as may be necessary..... | 15,000 00 | |
| Total | \$239,580 00 | \$ 62,055 00 |

Provided, that the interest on all securities held by the Blind Institute fund is hereby appropriated in part payment of the appropriation for the Blind Institute, the remainder of the appropriation to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or

on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said institution.

Deaf and Dumb Institute.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| Salary of Superintendent, provided he shall receive provisions not to exceed in value \$500 per year, fuel, water and housing for himself and family..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of principal, without board..... | 1,500 00 | 1,500 00 |
| Salary of first teacher, without board..... | 1,150 00 | 1,150 00 |
| Salary of second teacher, without board..... | 1,150 00 | 1,150 00 |
| Salary of third teacher, without board..... | 1,000 00 | 1,000 00 |
| Salary of fourth teacher, without board..... | 900 00 | 900 00 |
| Salary of fifth teacher, without board..... | 800 00 | 800 00 |
| Salary of sixth teacher, without board..... | 720 00 | 720 00 |
| Salary of seventh teacher, without board..... | 720 00 | 720 00 |
| Salary of eighth teacher, without board..... | 720 00 | 720 00 |
| Salary of ninth teacher, without board..... | 720 00 | 720 00 |
| Salary of tenth teacher, without board..... | 720 00 | 720 00 |
| Salary of eleventh teacher, without board..... | 720 00 | 720 00 |
| Salary of twelfth teacher, without board..... | 660 00 | 660 00 |
| Salary of thirteenth teacher, without board..... | 660 00 | 660 00 |
| Salary of first oral teacher, without board..... | 1,000 00 | 1,000 00 |
| Salary of second oral teacher, without board..... | 900 00 | 900 00 |
| Salary of third oral teacher, without board..... | 900 00 | 900 00 |
| Salary of fourth oral teacher, without board..... | 800 00 | 800 00 |
| Salary of fifth oral teacher, without board..... | 800 00 | 800 00 |
| Salary of sixth oral teacher, without board..... | 800 00 | 800 00 |
| Salary of seventh oral teacher, without board..... | 780 00 | 780 00 |
| Salary of eighth oral teacher, without board..... | 780 00 | 780 00 |
| Salary of ninth oral teacher, without board..... | 720 00 | 720 00 |
| Salary of tenth oral teacher, without board..... | 720 00 | 720 00 |
| Salary of eleventh oral teacher, without board..... | 720 00 | 720 00 |
| Salary of twelfth oral teacher, without board..... | 660 00 | 660 00 |
| Salary of thirteenth oral teacher, without board..... | 660 00 | 660 00 |
| Salary of fourteenth oral teacher, without board..... | 660 00 | 660 00 |
| Salary of fifteenth oral teacher, without board..... | 660 00 | 660 00 |
| Salary of sixteenth oral teacher, without board..... | 660 00 | 660 00 |
| Salary of seventeenth oral teacher, without board..... | 600 00 | 600 00 |
| Salary of eighteenth oral teacher, without board..... | 600 00 | 600 00 |
| Salary of art teacher, without board..... | 720 00 | 720 00 |
| Salary of instructor in printing, without board..... | 720 00 | 720 00 |
| Salary of instructor in shoemaking, without board..... | 720 00 | 720 00 |
| Salary of instructor in carpentry, without board..... | 720 00 | 720 00 |
| Salary of instructor in tailoring, without board..... | 720 00 | 720 00 |
| Salary of instructor in sewing, without board..... | 540 00 | 540 00 |
| Salary of instructor in painting, without board..... | 720 00 | 720 00 |
| Salary of storekeeper and accountant..... | 1,200 00 | 1,200 00 |
| Salary of stenographer and assistant storekeeper and accountant, with board..... | 600 00 | 600 00 |
| Salary of matron, with board..... | 480 00 | 480 00 |
| Salary of housekeeper, with board..... | 550 00 | 550 00 |
| Salary of supervisor, with board..... | 480 00 | 480 00 |
| Salary of assistant supervisor, with board..... | 480 00 | 480 00 |
| Salaries of two supervisoresses for small boys, with board..... | 800 00 | 800 00 |
| Salaries of two supervisoresses for girls, with board..... | 800 00 | 800 00 |
| Salary of night watchman, without board..... | 600 00 | 600 00 |
| Salary of engineer, electrician and plumber..... | 900 00 | 900 00 |
| Salary of assistant engineer and plumber, with board..... | 600 00 | 600 00 |
| Salaries of two trained nurses, with board..... | 960 00 | 960 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|--|-----------|-----------|
| Salary of one night supervisoress and seamstress, with board | \$ 400 00 | \$ 400 00 |
| Salary of gardener, with board..... | 300 00 | 300 00 |
| Salaries of two laborers, with board..... | 540 00 | 540 00 |
| Salary of one laborer, without board..... | 360 00 | 360 00 |
| Salary of foreman of laundry, with board..... | 500 00 | 500 00 |
| Salaries of seven laundresses, with board..... | 1,400 00 | 1,400 00 |
| Salary of baker, with board..... | 600 00 | 600 00 |
| Salary of chief cook, with board..... | 480 00 | 480 00 |
| Salary of one assistant cook for twelve months, with board | 360 00 | 360 00 |
| Salaries of two assistant cooks for twelve months, with board | 500 00 | 500 00 |
| Salaries of two chambermaids, with board..... | 480 00 | 480 00 |
| Salaries of seven dining room girls, with board..... | 1,260 00 | 1,260 00 |
| Salaries of two dining room girls for three summer months | 120 00 | 120 00 |
| Maintenance, supplies and provisions..... | 45,000 00 | 45,000 00 |
| Water, light and power..... | 3,600 00 | 3,600 00 |
| Furniture, iron beds and furnishings..... | 1,500 00 | 1,500 00 |
| Clothing and transportation of indigents..... | 3,600 00 | 3,600 00 |
| Art material | 250 00 | 250 00 |
| Salaries of board of trustees..... | 360 00 | 360 00 |
| Dry goods and blankets..... | 2,000 00 | 2,000 00 |
| Medical attention and dentistry..... | 1,500 00 | 1,500 00 |
| Literary and school supplies..... | 1,000 00 | 1,000 00 |
| Harness and tools | 100 00 | 100 00 |
| Repairs to buildings and grounds..... | 2,000 00 | 2,000 00 |
| For care, maintenance and education of the deaf blind... | 2,000 00 | 2,000 00 |
| Laundry machinery and repairs to the same..... | 200 00 | 200 00 |
| Picture films and amusements..... | 500 00 | 500 00 |
| New buildings for girls' dormitories and detention room for contagious diseases or so much thereof as may be necessary | 30,000 00 | |
| Addition to boys' dormitories | 20,000 00 | |
| Additional appropriations needed to equip new girls' and boys' dormitories, beds, mattresses and blankets. | | 2,500 00 |
| Steel lockers | | 1,500 00 |
| Wiring, plumbing, lighting and heating same..... | | 2,000 00 |
| Tearing down rotten front porch (4 stories) and replacing with one-story stone structure..... | | 2,000 00 |
| Erecting two-story brick storeroom, in place of present dangerous wooden structure | | 7,000 00 |
| Rewiring entire institution..... | | 2,000 00 |
| Two new boilers and installing same..... | | 8,000 00 |
| To provide ventilation for girls' toilet and bath, renew floors in girls' dormitories, to provide apparatus for little children's playgrounds, and to purchase new sewing machines | | 1,000 00 |
| For screening all upper galleries and windows with iron grating to protect children from falling..... | 1,200 00 | |
| For two fire escapes for school building..... | 2,500 00 | |
| For fireproof steel lockers for dormitories to replace present out of date and worn out ones which are fire traps | | 2,500 00 |
| Painting iron roofs of all buildings..... | | 750 00 |
| Insurance of all institution buildings..... | 1,500 00 | |
| Instructors needed to new departments instituted, etc.— | | |
| Teacher of bookkeeping and typewriting..... | 720 00 | 720 00 |
| Teacher of domestic science..... | 500 00 | 500 00 |
| Physical director and instructor in gymnasium work and physical culture | 720 00 | 720 00 |

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|--------------|
| Equipping dental office and barber shop..... | \$ 500 00 | |
| Equipping gymnasium, and heating, lighting and plumbing for same | 4,000 00 | |
| One janitor, who shall also serve as supervisor of boys on third floor of dormitory..... | 480 00 | \$ 480 00 |
| One supervisors of girls, who shall have charge of girls in new dormitory..... | | 400 00 |
| Total | \$175,600 00 | \$144,350 00 |

Provided, that the interest on all securities held by the Deaf and Dumb Institute funds are hereby appropriated, the remainder to be paid out of the general revenue.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Epileptic Colony.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|-------------|
| Salary of Superintendent, provided he shall receive provisions not to exceed \$500 per year, and fuel, lights, water and housing for himself and family..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of first assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of second assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of druggist and stenographer | 720 00 | 720 00 |
| Salary of storekeeper and accountant..... | 900 00 | 900 00 |
| Salary of supervisors | 480 00 | 480 00 |
| Salary of supervisor | 600 00 | 600 00 |
| Salary of matron..... | 600 00 | 600 00 |
| Salary of engineer | 1,100 00 | 1,100 00 |
| Salary of assistant engineer and electrician..... | 600 00 | 600 00 |
| Salaries of three firemen..... | 1,080 00 | 1,080 00 |
| Salary of laundryman or laundress..... | 420 00 | 420 00 |
| Salaries of four laundresses | 960 00 | 960 00 |
| Salary of head seamstress | 300 00 | 300 00 |
| Salaries of three seamstresses | 720 00 | 720 00 |
| Salaries of four dining room girls..... | 960 00 | 960 00 |
| Salaries of 28 day and night attendants..... | 8,400 00 | 8,400 00 |
| Salary of outside nightwatch..... | 360 00 | 360 00 |
| Salaries of two skilled nurses | 840 00 | 840 00 |
| Salary of head farmer | 480 00 | 480 00 |
| Salary of gardener | 360 00 | 360 00 |
| Salaries of two farm hands | 480 00 | 480 00 |
| Salary of dairyman..... | 300 00 | 300 00 |
| Salaries of nine cooks..... | 2,700 00 | 2,700 00 |
| Salary of carpenter..... | 480 00 | 480 00 |
| Salary of baker..... | 360 00 | 360 00 |
| Salary of tailor..... | 360 00 | 360 00 |
| Salary of plasterer and painter..... | 480 00 | 480 00 |
| Salary of shoemaker..... | 360 00 | 360 00 |
| Salary of chaplain..... | 300 00 | 300 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|--------------|--------------|
| Maintenance and support, including groceries, transportation, medical stores, surgical instruments and tools, drugs and pay for managers, water, light, fuel, including mileage | \$ 50,000 00 | \$ 50,000 00 |
| Tailor supplies | 200 00 | 200 00 |
| Literature and amusements | 450 00 | 450 00 |
| Dry goods | 6,000 00 | 6,000 00 |
| Horses, mules, cows and hogs | 500 00 | 500 00 |
| Trees and seeds | 250 00 | 250 00 |
| Farm and grounds | 300 00 | 300 00 |
| To purchase furniture | 1,000 00 | 1,000 00 |
| Wagons, hacks and harness | 500 00 | 500 00 |
| General repairs | 1,000 00 | 1,000 00 |
| For new pumps at lake, pipe and excavating and setting tank | 4,000 00 | |
| Fire fighting equipment, as per estimate of State Fire Marshall S. W. English, or so much thereof as may be necessary | 10,000 00 | |
| For increase in laundry | 5,000 00 | |
| For laundry machinery | 1,000 00 | |
| For carpenter shop, machine shop and machinery | 1,000 00 | |
| For storeroom and employes' house | 10,000 00 | |
| To build and equip four buildings, two each year, for housing 160 patients | 37,500 00 | 37,500 00 |
| For repairing filters | 600 00 | |
| For silos | 500 00 | 500 00 |
| Recreation building | 4,000 00 | |
| In the event the additional cottages are allowed, the following appropriations are made: | | |
| Maintenance and support | | 10,000 00 |
| Six day and night attendants | | 1,800 00 |
| Two cooks | | 600 00 |
| Total | \$163,800 00 | \$140,800 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

Deaf, Dumb and Blind Institute for Colored Youths.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| Salary of Superintendent | \$ 1,500 00 | \$ 1,500 00 |
| Salary of principal | 810 00 | 810 00 |
| Salary of one music teacher | 450 00 | 450 00 |
| Salary of instructor in broom and mattress making | 450 00 | 450 00 |
| Salary of one shoemaker | 600 00 | 600 00 |
| Salary of one seamstress and teacher | 450 00 | 450 00 |
| Salary of head laundryman | 360 00 | 360 00 |
| Salary of matron of dining hall | 360 00 | 360 00 |
| Salary of night watchman | 300 00 | 300 00 |
| Salary of engineer and plumber | 600 00 | 600 00 |
| Salary of head cook | 420 00 | 420 00 |
| Salary of assistant cook | 180 00 | 180 00 |
| Salary of preceptress and nurse | 450 00 | 450 00 |

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|--------------|
| Salary of instructor in tailoring..... | \$ 450 00 | \$ 450 00 |
| Salary of oculist..... | 600 00 | 600 00 |
| Salary of storekeeper and accountant..... | 480 00 | 480 00 |
| Salary of matron for small boys..... | 225 00 | 225 00 |
| Salary of matron for large boys..... | 270 00 | 270 00 |
| Salary of a farmer and gardener..... | 300 00 | 300 00 |
| Salary of gardener and laborer..... | 300 00 | 300 00 |
| Salary of Board of Trustees..... | 300 00 | 300 00 |
| Salary of three class room teachers for the blind..... | 1,350 00 | 1,350 00 |
| Salary of three class room teachers for the deaf..... | 1,350 00 | 1,350 00 |
| Transportation for indigent pupils..... | 500 00 | 500 00 |
| Repairs and improvements..... | 1,000 00 | 1,000 00 |
| For two new pianos..... | 800 00 | |
| Books..... | 175 00 | 175 00 |
| Equipment for steam laundry..... | 1,500 00 | |
| Stationery, postage and printing..... | 150 00 | 150 00 |
| Clothing for indigent pupils..... | 1,000 00 | 1,000 00 |
| Tools for shops and apparatus..... | 150 00 | 150 00 |
| Groceries and miscellaneous..... | 14,000 00 | 14,000 00 |
| Amusements..... | 150 00 | 150 00 |
| Salary of Domestic Science teacher..... | 450 00 | 450 00 |
| Boys' dormitory..... | 30,000 00 | |
| Water and fire protection..... | 5,000 00 | |
| Hospitals and fixtures..... | 2,500 00 | |
| Furniture..... | 400 00 | 400 00 |
| Traveling expenses, Superintendent..... | 100 00 | 100 00 |
| Total..... | \$ 70,430 00 | \$ 30,630 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated for and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

State Institution for the Training of Juveniles.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|-------------|
| Salary of Superintendent, with provisions for himself and family not to exceed in value \$800 per annum.. | \$ 1,800 00 | \$ 1,800 00 |
| Salary of Assistant Superintendent..... | 1,200 00 | 1,200 00 |
| Salary of accountant..... | 1,000 00 | 1,000 00 |
| Salary of engineer..... | 900 00 | 900 00 |
| Salary of assistant engineer..... | 600 00 | 600 00 |
| Salary of school principal..... | 1,200 00 | 1,200 00 |
| Salary of six letter teachers..... | 3,960 00 | 3,960 00 |
| Salary of seven trade teachers, at \$720 each..... | 5,040 00 | 5,040 00 |
| Salary of ten field instructors..... | 6,000 00 | 6,000 00 |
| Salary of one instructor in barbering..... | 600 00 | 600 00 |
| Salaries of five night watchmen..... | 3,000 00 | 3,000 00 |
| Salary of trained nurse..... | 720 00 | 720 00 |
| Salary of physician, to furnish own consultation..... | 1,200 00 | 1,200 00 |
| Salary of chaplain..... | 720 00 | 720 00 |
| Salary of band instructor..... | 720 00 | 720 00 |
| Salary of man and wife for boys' cottage..... | 900 00 | 900 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|--------------|--------------|
| Maintenance, fuel, expenses and per diem of Board of Trustees | \$ 40,000 00 | \$ 40,000 00 |
| Books and school supplies..... | 1,200 00 | 1,200 00 |
| Postage and express..... | 400 00 | 400 00 |
| Medicines | 500 00 | 500 00 |
| Hospital equipment | 750 00 | 750 00 |
| Discharge and transportation..... | 3,600 00 | 3,600 00 |
| Farm implements | 1,500 00 | 1,500 00 |
| Engine, pump and equipment for irrigation..... | 2,500 00 | |
| Repairs to buildings, replacing burned barn, overhauling negro dormitory and general repairs, including heating equipment | 35,000 00 | 3,500 00 |
| One negro school and dormitory building, to be erected on the farm at a distance and separate from the white school | 40,000 00 | |
| Change present residences into cottages for boys..... | 3,000 00 | 3,000 00 |
| Equipment and extension of trades building..... | 10,000 00 | |
| Insurance | 1,750 00 | 1,750 00 |
| Laundry | 3,000 00 | |
| Total | \$172,760 00 | \$ 85,760 00 |

Provided, that the per diem of the Board of Managers shall be \$5.00 for each member of the Board for each day while actually engaged in their official duties, including time actually spent in travel, if any.

Provided, that the Board of Managers are hereby authorized to use the farm products' fund to acquire additional lands for the institution when said purchase and expenditure has been approved by the Governor.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

Should the name of the State Institution for the Training of Juveniles be changed by statute, it shall not affect the above appropriation in any way, and all amounts for said institution shall be available under any such changed name, on the same terms named herein for the State Institution for the Training of Juveniles.

Tuberculosis Sanitarium.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|------------------------------------|-----------|-----------|
| Stationery, books, etc..... | \$ 200 00 | \$ 200 00 |
| Coal | 2,200 00 | 3,000 00 |
| Gasoline and oils..... | 1,200 00 | 1,500 00 |
| Groceries | 13,500 00 | 17,700 00 |
| Dry goods, beds and furniture..... | 300 00 | 466 00 |
| Drugs | 1,200 00 | 1,326 00 |
| Laundry supplies | 300 00 | 400 00 |
| Produce | 3,600 00 | 5,300 00 |
| Fresh meats | 2,400 00 | 3,600 00 |
| Feed | 1,800 00 | 1,800 00 |
| Ice | 1,500 00 | 2,000 00 |
| Dishes | 150 00 | 225 00 |
| Farming implements and tools..... | 200 00 | 150 00 |
| Sputum cups and disinfectants..... | 1,500 00 | 2,500 00 |
| Steam fittings | 200 00 | 200 00 |
| Electrical supplies | 200 00 | 200 00 |

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|---|---|--------------|
| Hardware and kitchen cutlery..... | \$ 200 00 | \$ 200 00 |
| Alcohol | 60 00 | 150 00 |
| Plumbing supplies | 200 00 | 200 00 |
| Pay roll | 15,939 88 | 17,999 88 |
| Serums | 200 00 | 200 00 |
| Expenses and salaries..... | 1,000 00 | 1,000 00 |
| Telephone and telegrams..... | 300 00 | 400 00 |
| In case work of Austin office is transferred to Carls- bad—stenographer | 600 00 | |
| Two dormitories, one each year, for males and females, with capacity for 50 patients each..... | 20,000 00 | 20,000 00 |
| Heating buildings, electric plant, wiring and plumbing. | 10,000 00 | |
| One store house, 37x65 ft., two stories high with rooms on second story, for employes..... | 6,500 00 | |
| Surgical instruments and laboratory..... | 300 00 | |
| Addition and changes in power house, including one new boiler | 2,500 00 | |
| For electricity and additional machinery in laundry.. | 1,000 00 | |
| Septic tank for sewerage and tiling for refuse water.. | 2,600 00 | |
| New dairy barn..... | 2,500 00 | |
| Equipment for additional buildings..... | 3,500 00 | |
| Two mules | 400 00 | |
| A dam and damages for purchase of land protecting State for water privileges on the river..... | 3,000 00 | |
| A concrete tank to hold at least 200,000 gallons | 2,500 00 | |
| Six-inch iron piping..... | 4,500 00 | |
| For improvement of grounds, walks, drives, irriga- tion pipe, etc..... | 1,250 00 | 1,250 00 |
| To make addition to subsistence building for dining rooms, servants' quarters and kitchen..... | 5,000 00 | |
| Building for Lecture Hall and Chapel, with library and reading room | 7,500 00 | |
| Two silos, machinery for silos, wagons, harness and farming tools | 2,500 00 | |
| Clearing land | 750 00 | |
| Total | \$125,249 88 | \$ 81,966 88 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said institution.

State Lunatic Asylum.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|----------|
| Salary of Superintendent, provided he shall receive pro- visions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family.... | 2,000 00 | 2,000 00 |
| Salary of first assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of second assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of third assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of fourth assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of fifth assistant physician | 1,250 00 | 1,250 00 |
| Salary of steward, storekeeper and accountant..... | 600 00 | 600 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of stenographer..... | \$ 480 00 | \$ 480 00 |
| Salary of druggist | 720 00 | 720 00 |
| Salary of matron | 600 00 | 600 00 |
| Salary of supervisor | 540 00 | 540 00 |
| Salary of assistant supervisor | 480 00 | 480 00 |
| Salary of night supervisor | 480 00 | 480 00 |
| Salary of supervisoress | 540 00 | 540 00 |
| Salary of assistant supervisoress | 480 00 | 480 00 |
| Salary of night supervisoress | 480 00 | 480 00 |
| Salary of chaplain | 300 00 | 300 00 |
| Salary of outside supervisor and head farmer..... | 600 00 | 600 00 |
| Salary of chief engineer and plumber..... | 1,100 00 | 1,100 00 |
| Salary of first assistant engineer and electrician..... | 660 00 | 660 00 |
| Salary of second assistant engineer and plumber..... | 600 00 | 600 00 |
| Salary of third assistant engineer..... | 600 00 | 600 00 |
| Salary of three firemen | 1,440 00 | 1,440 00 |
| Salary of two ice men | 840 00 | 840 00 |
| Salary of carpenter | 600 00 | 600 00 |
| Salary of assistant carpenter | 420 00 | 420 00 |
| Salary of blacksmith | 480 00 | 480 00 |
| Salary of painter and plasterer..... | 540 00 | 540 00 |
| Salary of gardener and florist | 480 00 | 480 00 |
| Salary of butcher | 450 00 | 450 00 |
| Salary of tailor | 480 00 | 480 00 |
| Salary of shoemaker | 400 00 | 400 00 |
| Salary of dairyman | 360 00 | 360 00 |
| Salary of two assistant dairymen..... | 540 00 | 540 00 |
| Salary of four trained nurses | 1,680 00 | 1,680 00 |
| Salary of two nurses, tuberculosis cottages..... | 840 00 | 840 00 |
| Salaries of ninety-six attendants..... | 23,000 00 | 23,000 00 |
| Salaries of twenty-five night attendants..... | 7,680 00 | 7,680 00 |
| Salary of the farm hands..... | 600 00 | 600 00 |
| Salary of scavenger | 300 00 | 300 00 |
| Salary of six dining room assistants | 1,080 00 | 1,080 00 |
| Salary of chief cook | 600 00 | 600 00 |
| Salary of first assistant cook..... | 360 00 | 360 00 |
| Salary of second assistant cook | 360 00 | 360 00 |
| Salary of third assistant cook | 320 00 | 320 00 |
| Salary of nine assistant cooks | 2,160 00 | 2,160 00 |
| Salary of two cooks, tuberculosis cottages..... | 720 00 | 720 00 |
| Salary of baker | 550 00 | 550 00 |
| Salary of two assistant bakers..... | 600 00 | 600 00 |
| Salary of head laundryman or laundress..... | 480 00 | 480 00 |
| Salary of assistant laundryman or laundress | 300 00 | 300 00 |
| Salary of 16 laundresses | 3,840 00 | 3,840 00 |
| Salary of head seamstress | 300 00 | 300 00 |
| Salary of seven seamstresses | 1,680 00 | 1,680 00 |
| Salary of knitting machine operator | 420 00 | 420 00 |
| Salary of assistant knitting machine operator..... | 240 00 | 240 00 |
| Support, maintenance, groceries, fuel, lights and water, pay of board of managers, including mileage, drugs, medical stores and surgical instruments..... | 185,000 00 | 185,000 00 |
| Dry goods and clothing | 36,000 00 | 36,000 00 |
| Furniture and beds | 3,000 00 | 3,000 00 |
| Transportation of patients | 1,000 00 | 1,000 00 |
| Literature and amusements..... | 1,000 00 | 1,000 00 |
| Trees and seeds..... | 500 00 | 500 00 |
| Farm machinery and tools | 350 00 | 350 00 |
| Engineer's and carpenter's tools | 400 00 | 400 00 |
| Horses, mules, cows and hogs..... | 600 00 | 600 00 |
| Bridges, culverts and grounds | 400 00 | 400 00 |

| | | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|--------------|---|--|
| Repairs | \$ 10,000 00 | \$ 10,000 00 | |
| Wagons, hacks and harness | 400 00 | 400 00 | |
| For purchase fire hose | 500 00 | 500 00 | |
| For converting second story of old laundry into a ward and equipping same | 3,000 00 | | |
| For enlarging boiler house and purchasing new boil- ers, and other machinery, or as much as may be necessary | 20,000 00 | | |
| For building carpenter and blacksmith and industrial shop for patients | 3,000 00 | | |
| For purchasing pipe to put in new pipe line to pump station at Camp Mabry | 2,400 00 | | |
| For purchasing laundry machinery | 3,500 00 | | |
| For purchasing underground gasoline and kerosene tanks | 600 00 | 600 00 | |
| Equipping a pathological laboratory | 1,500 00 | | |
| For putting cement floor in store room and building wall between storeroom and engineer's shop | 1,500 00 | | |
| For new fence around the asylum grounds | | 4,000 00 | |
| For porches for negro female department | 4,000 00 | | |
| For repairing residence | 1,000 00 | | |
| For purchasing two silos and ensilage cutter and car- rier | 1,200 00 | | |
| Hospital for 75 white women, equipped | 35,000 00 | | |
| Hospital for 100 white men, equipped | 40,000 00 | | |
| Hospital for 100 negro men, equipped | | 40,000 00 | |
| Hospital for 100 negro women, equipped | | 40,000 00 | |
| Enlarging dining room and kitchen for negroes | 6,000 00 | | |
| Total | \$434,500 00 | \$395,800 00 | |

Provided, that all fees collected from non-indigent patients treated at the Pasteur Institute may be used as directed by the Board of Managers and Superintendent, for the purposes of its proper support and operation, and that a record of all fees so collected shall be kept, and an itemized account, showing each item of expenditure made out of such fund, and a detailed account made and included in an annual report of the hospital to the Governor.

Provided, that the Board of Managers of the State Lunatic Asylum may use \$500 from the fees arising from treatment of the Pasteur Institute to supplement and increase salaries of the assistant physicians who do the Pasteur work.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation, or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

Southwestern Insane Asylum.

| | | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|-------------|---|--|
| Salary of Superintendent, provided he shall receive pro- visions not to exceed in value \$500 per year, fuel, lights, water and housing for himself and family | \$ 2,000 00 | \$ 2,000 00 | |
| Salary of first assistant physician | 1,250 00 | 1,250 00 | |
| Salary of second assistant physician | 1,250 00 | 1,250 00 | |
| Salary of third assistant physician | 1,250 00 | 1,250 00 | |
| Salary of storekeeper and accountant | 900 00 | 900 00 | |

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of assistant storekeeper and accountant and stenographer | \$ 600 00 | \$ 600 00 |
| Salary of druggist | 720 00 | 720 00 |
| Salary of matron | 600 00 | 600 00 |
| Salary of supervisoress | 480 00 | 480 00 |
| Salary of assistant supervisoress | 420 00 | 420 00 |
| Salary of supervisor | 480 00 | 480 00 |
| Salary of assistant supervisor | 420 00 | 420 00 |
| Salary of outside supervisor and head farmer | 550 00 | 550 00 |
| Salary of chief engineer | 1,100 00 | 1,100 00 |
| Salary of assistant engineer and electrician | 550 00 | 550 00 |
| Salary of assistant engineer and plumber | 550 00 | 550 00 |
| Salaries of three firemen | 1,080 00 | 1,080 00 |
| Salary of ice factory engineer | 360 00 | 360 00 |
| Salary of gardener and florist | 320 00 | 320 00 |
| Salary of assistant gardener | 300 00 | 300 00 |
| Salary of chaplain | 300 00 | 300 00 |
| Salary of chief cook and dietitian | 720 00 | 720 00 |
| Salaries of five assistant cooks in main kitchen | 1,500 00 | 1,500 00 |
| Salary of one cook for officers' kitchen | 360 00 | 360 00 |
| Salary of special cook for male hospital | 420 00 | 420 00 |
| Salary of special cook for female hospital | 420 00 | 420 00 |
| Salary of special cook for male tubercular cottage | 300 00 | 300 00 |
| Salary of special cook for female tubercular cottage | 300 00 | 300 00 |
| Salary of baker | 480 00 | 480 00 |
| Salary of assistant baker | 240 00 | 240 00 |
| Salary of carpenter | 720 00 | 720 00 |
| Salary of barber | 300 00 | 300 00 |
| Salary of assistant barber | 240 00 | 240 00 |
| Salary of mattress maker | 360 00 | 360 00 |
| Salary of blacksmith | 400 00 | 400 00 |
| Salary of painter and plasterer | 480 00 | 480 00 |
| Salary of tailor or tailoress | 400 00 | 400 00 |
| Salary of shoemaker | 360 00 | 360 00 |
| Salaries of four housekeepers | 960 00 | 960 00 |
| Salaries of four farm hands | 960 00 | 960 00 |
| Salary of hostler | 300 00 | 300 00 |
| Salary of scavenger | 240 00 | 240 00 |
| Salaries of twelve night watchmen for eighteen wards containing 960 patients | 4,320 00 | 4,320 00 |
| Salaries for two trained night nurses for female hospital | 720 00 | 720 00 |
| Salaries of two trained night nurses for male hospital | 720 00 | 720 00 |
| Salary of one trained night nurse for tubercular cottage for females | 360 00 | 360 00 |
| Salary of one trained night nurse for tubercular cottage for males | 360 00 | 360 00 |
| Salaries of two outside watchmen | 720 00 | 720 00 |
| Salaries of seventy attendants, one attendant for sixteen patients | 21,000 00 | 21,000 00 |
| Salaries of two special trained day attendants for convalescent cases, one man and one woman | 720 00 | 720 00 |
| Salaries for two trained day nurses for female hospital | 840 00 | 840 00 |
| Salaries for two trained day nurses for male hospital | 840 00 | 840 00 |
| Salary of one trained day nurse for female tubercular cottage | 420 00 | 420 00 |
| Salary of one trained day nurse for male tubercular cottage | 420 00 | 420 00 |
| Salary of head laundress or laundryman | 480 00 | 480 00 |
| Salaries of seven laundresses | 1,680 00 | 1,680 00 |
| Salary of head seamstress | 300 00 | 300 00 |
| Salaries of six seamstresses | 1,440 00 | 1,440 00 |
| Salary of dairyman | 360 00 | 360 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of assistant dairyman..... | \$ 270 00 | \$ 270 00 |
| Salary of butcher..... | 450 00 | 450 00 |
| Salary of poultryman..... | 300 00 | 300 00 |
| Support, maintenance, groceries, fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores, and surgical instruments..... | 115,000 00 | 115,000 00 |
| Dry goods and clothing..... | 20,000 00 | 20,000 00 |
| Transportation of patients..... | 750 00 | 750 00 |
| Literature and amusement..... | 1,000 00 | 1,000 00 |
| Cows, horses, mules and hogs..... | 500 00 | 500 00 |
| Wagons, hacks and harness..... | 300 00 | 300 00 |
| Trees, seeds, farm machinery and tools..... | 500 00 | 500 00 |
| Bridges, culverts, fencing and grounds..... | 500 00 | 500 00 |
| Engineer's and carpenter's tools..... | 150 00 | 150 00 |
| General repairs and paintings, extraordinary repairs on buildings, painting outside iron and woodwork and galleries of old buildings..... | 9,300 00 | 5,300 00 |
| Furniture and beds..... | 1,700 00 | 1,700 00 |
| Laundry machinery and repairs..... | 500 00 | 500 00 |
| Fire department..... | 250 00 | 250 00 |
| Remodel and repair old female infirmary..... | 1,000 00 | 1,000 00 |
| Enlarging baker shop and installing one bake oven (new)..... | 2,500 00 | |
| To erect 2 lavatory buildings for old wards..... | 12,000 00 | |
| Extraordinary repairs to administration buildings.... | 10,000 00 | |
| Removing and rebuilding fuel oil storage depot..... | 2,500 00 | |
| To erect and equip one hospital building to accommo- date 100 acutely insane sick women..... | 50,000 00 | |
| To erect and equip buildings to accommodate 400 pa- tients; also to enlarge heating and power plant, and laundry, kitchen, employes' quarters, as may be required..... | | 225,000 00 |
| Total | \$291,110 00 | \$435,110 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that the head of said institution keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that such record of the absences be incorporated in the report made annually by the head of said institution.

North Texas Hospital for the Insane.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Superintendent, with provisions for himself and family, not to exceed in value \$500 per year, fuel, lights, water and housing..... | \$ 2,000 00 | \$ 2,000 00 |
| Support, maintenance, groceries and fuel, lights and water, pay of Board of Managers, including mileage, drugs, medical stores and surgical instruments..... | 200,000 00 | 200,000 00 |
| Dry goods and clothing..... | 32,000 00 | 32,000 00 |
| Salary of first assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of second assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of third assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of fourth assistant physician..... | 1,250 00 | 1,250 00 |
| Salary of fifth assistant physician..... | 1,250 00 | 1,250 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of storekeeper and accountant..... | \$ 1,200 00 | \$ 1,200 00 |
| Salary of assistant storekeeper and accountant..... | 600 00 | 600 00 |
| Salary of druggist..... | 720 00 | 720 00 |
| Salary of matron..... | 600 00 | 600 00 |
| Salaries of two supervisors..... | 1,200 00 | 1,200 00 |
| Salary of outside supervisor and head farmer..... | 600 00 | 600 00 |
| Salaries of two supervisors..... | 960 00 | 960 00 |
| Salary of chief engineer..... | 1,100 00 | 1,100 00 |
| Salary of assistant engineer and electrician..... | 600 00 | 600 00 |
| Salary of night engineer..... | 600 00 | 600 00 |
| Salary of plumber..... | 600 00 | 600 00 |
| Salary of assistant plumber..... | 480 00 | 480 00 |
| Salaries of six firemen..... | 2,880 00 | 2,880 00 |
| Salary of gardener and florist..... | 320 00 | 320 00 |
| Salary of chaplain..... | 300 00 | 300 00 |
| Salary of chief cook..... | 600 00 | 600 00 |
| Salary of assistant cook..... | 360 00 | 360 00 |
| Salaries of eight under-cooks..... | 1,920 00 | 1,920 00 |
| Salary of baker..... | 600 00 | 600 00 |
| Salaries of two assistant bakers..... | 540 00 | 540 00 |
| Salary of carpenter..... | 600 00 | 600 00 |
| Salary of assistant carpenter..... | 480 00 | 480 00 |
| Salary of blacksmith..... | 400 00 | 400 00 |
| Salary of plasterer..... | 720 00 | 720 00 |
| Salary of assistant plasterer..... | 420 00 | 420 00 |
| Salary of painter..... | 480 00 | 480 00 |
| Salary of assistant painter..... | 360 00 | 360 00 |
| Salary of tailor or tailoress..... | 400 00 | 400 00 |
| Salary of shoemaker..... | 400 00 | 400 00 |
| Salaries of five dining room girls..... | 1,080 00 | 1,080 00 |
| Salaries of twenty night attendants..... | 6,000 00 | 6,000 00 |
| Salaries of six farm hands..... | 1,260 00 | 1,260 00 |
| Salary of head laundryman or laundress..... | 480 00 | 480 00 |
| Salary of assistant laundryman or laundress..... | 300 00 | 300 00 |
| Salaries of thirteen laundresses..... | 3,120 00 | 3,120 00 |
| Salaries of four trained nurses..... | 1,680 00 | 1,680 00 |
| Salary of head seamstress..... | 300 00 | 300 00 |
| Salaries of two outside watchmen..... | 840 00 | 840 00 |
| Salaries of ten seamstresses..... | 2,400 00 | 2,400 00 |
| Salary of mattress maker..... | 360 00 | 360 00 |
| Salaries of 115 attendants..... | 34,500 00 | 34,500 00 |
| Salary of dairymen..... | 420 00 | 420 00 |
| Salaries of three assistant dairymen..... | 720 00 | 720 00 |
| Salary of butcher..... | 450 00 | 450 00 |
| Salary of scavenger..... | 300 00 | 300 00 |
| Transportation..... | 800 00 | 800 00 |
| For dental work..... | 1,000 00 | 1,000 00 |
| Furniture and beds..... | 3,500 00 | 3,500 00 |
| General repairs and painting..... | 15,000 00 | 15,000 00 |
| Literature and amusements..... | 1,000 00 | 1,000 00 |
| Fire department..... | 800 00 | 800 00 |
| Trees and seeds..... | 400 00 | 400 00 |
| Horses, mules, cows and hogs..... | 500 00 | 500 00 |
| Engineer's and carpenter's tools..... | 500 00 | 500 00 |
| Bridges, culverts and grounds..... | 500 00 | 500 00 |
| Laundry machinery and repairs..... | 750 00 | 750 00 |
| Fencing..... | 250 00 | 250 00 |
| Wagons, hacks and harness..... | 300 00 | 300 00 |
| To erect carpenter shop..... | 2,000 00 | |
| Mowers, plows and farm tools..... | 300 00 | 300 00 |
| For overhauling steam plant..... | 5,000 00 | |

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|---|---|--------------|
| To erect and equip two buildings complete for consump- tive patients, one each year..... | \$ 37,500 00 | \$ 37,500 00 |
| Total | \$385,600 00 | \$378,600 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, that all buildings to be erected under and by virtue of the appropriations herein made, shall be of fireproof construction and all plans and specifications for the erection of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said institution.

Provided, that all equipment and furnishing for new buildings, additions and improvements to old buildings and for installation of fire protection, for which appropriations are made herein, and supplies for the State Juvenile Training School at Gatesville shall be purchased by the State Purchasing Agent in accordance with the provisions of Chapter 1, Title 125, of the Revised Statutes of 1911.

State Training School for Girls.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|--|
| Salary of Superintendent..... | \$ 1,200 00 | |
| Salary of five matrons, \$600 each..... | 3,000 00 | |
| Salary of principal..... | 900 00 | |
| Salary of three industrial and literary teachers, \$720 each | 2,160 00 | |
| Salary of garden instructor..... | 480 00 | |
| Maintenance and per diem and traveling and other ex- penses of Board, or so much thereof as may be neces- sary | 7,500 00 | |
| Express, postage and stationery..... | 100 00 | |
| Discharge and transportation..... | 250 00 | |
| Total | \$ 16,490 00 | |

None of the above appropriations for the Training School for Girls shall be available until Section 11 of Chapter 144 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas shall have been complied with, and then only so much thereof as may be necessary. The salary of all employes to be paid monthly and none to begin until Section 11 of Chapter 144, above referred to, is complied with.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days and that this act shall take effect and be in force from and after its passage, and it is so enacted.

RECAPITULATION.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| State Orphan Home..... | \$ 76,260 00 | \$ 58,260 00 |
| Confederate Home | 96,770 00 | 93,420 00 |
| Confederate Woman's Home..... | 17,005 00 | 16,630 00 |
| Blind Institute | 239,580 00 | 62,055 00 |
| Deaf and Dumb Institute..... | 175,600 00 | 144,350 00 |
| Epileptic Colony | 163,800 00 | 140,800 00 |
| Deaf, Dumb and Blind Institute for Colored Youths. | 70,430 00 | 30,630 00 |
| State Institution for the Training of Juveniles..... | 172,760 00 | 85,760 00 |
| Tuberculosis Sanitarium | 125,249 88 | 81,966 88 |
| State Lunatic Asylum..... | 434,500 00 | 395,800 00 |
| Southwestern Insane Asylum..... | 291,110 00 | 435,110 00 |
| North Texas Hospital for Insane..... | 385,600 00 | 378,600 00 |
| State Training School for Girls..... | | 16,490 00 |
| Total | \$2,248,664 88 | \$1,939,871 88 |

The above report was read and adopted by the following vote:

Yeas—29.

| | | | |
|--------------------|------------|-----------|------------|
| Astin. | Darwin. | McGregor. | Warren. |
| Bailey of De Witt. | Gibson. | McNealus. | Watson. |
| Brelsford. | Greer. | Nugent. | Westbrook. |
| Carter. | Hall. | Oliver. | Wiley. |
| Clark. | Harley. | Real. | Willacy. |
| Collins. | Hudspeth. | Taylor. | |
| Conner. | Johnson. | Terrell. | |
| Cowell. | Lattimore. | Townsend. | |

Absent.

Bailey of Harris. Morrow.

HOUSE BILL NO. 14—REPORT OF FREE CONFERENCE COMMITTEE.

Committee Room,
Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,
Speaker of the House of Representatives:

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 14, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 14 do pass in lieu thereof.

COWELL,
REAL,
ASTIN,
NUGENT,
HARLEY,
WILLACY,
On the part of the Senate.
WORTHAM,
HILL,
GOODNER,
KIRBY,
WOODS of Navarro,
On the part of the House.

FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14.

A BILL

To Be Entitled

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to wit: University of Texas, Agricultural and Mechanical College, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas State Normal, Southwest Texas Normal School and West Texas Normal School, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, to wit:

University of Texas.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from every source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000, to be expended by said Board of Regents for the erection of a Nurses' Home in connection with the John Sealy Hospital at Galveston, Texas.

| | | |
|--|--------------|--------------|
| For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue | \$658,300 00 | \$700,250 00 |
|--|--------------|--------------|

Bureau of Economic Geology and Technology—

| | | |
|--|-----------|-----------|
| For field work, printing bulletins of artesian and other underground waters, preparation of general report on the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc..... | 12,500 00 | 12,500 00 |
|--|-----------|-----------|

| | | |
|-------------|--------------|--------------|
| Total | \$670,800 00 | \$712,750 00 |
|-------------|--------------|--------------|

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Agricultural and Mechanical College.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salaries | \$135,000 00 | \$150,000 00 |
| Dean's Office | 1,000 00 | 1,000 00 |
| Publicity | 1,000 00 | 1,000 00 |
| Chemistry | 3,500 00 | 3,500 00 |
| Drawing | 1,000 00 | 1,000 00 |
| Physics | 2,500 00 | 3,000 00 |
| Student Labor | 10,000 00 | 10,000 00 |
| Board Expense, including Clerk | 1,500 00 | 1,500 00 |
| Library | 12,000 00 | 12,000 00 |
| President's contingent | 4,500 00 | 4,500 00 |
| History and Economics | 500 00 | 500 00 |
| Agronomy | 5,000 00 | 5,000 00 |
| Animal husbandry | 7,500 00 | 10,000 00 |
| Biology | 2,000 00 | 2,000 00 |
| Dairy husbandry | 2,000 00 | 2,000 00 |
| Entomology | 4,800 00 | 4,200 00 |
| Extension work | 17,500 00 | 17,500 00 |
| Visitor to Schools | 2,000 00 | 2,000 00 |
| Horticulture | 2,500 00 | 2,500 00 |
| Dean of Agriculture office | 500 00 | 500 00 |
| Veterinary Science | 3,000 00 | 3,000 00 |
| Production and Distribution of Serum | 2,000 00 | 2,000 00 |
| Architecture | 1,000 00 | 1,000 00 |
| Experiment station | 15,000 00 | 15,000 00 |
| Civil Engineering | 4,000 00 | 4,000 00 |
| Highway Engineering | 6,700 00 | 6,700 00 |
| Electrical Engineering | 7,500 00 | 7,500 00 |
| Mechanical engineering | 7,500 00 | 7,500 00 |
| Operating Power Plant | 30,000 00 | 30,000 00 |
| Repairs | 15,000 00 | 14,000 00 |
| Field Workers, Agricultural Department | 10,000 00 | 10,000 00 |
| Proposed new branches of the agricultural educational department, embracing forestry, poultry, husbandry, crop marketing, farm management, floriculture, landscape gardening, and agricultural engineering | | 10,000 00 |
| Agricultural Building | | 150,000 00 |
| Hospital and Equipment | 35,000 00 | |
| Cottages | 10,000 00 | 10,000 00 |
| Veterinary Building | | 100,000 00 |
| Building for Animal Husbandry Department, to include an— | | |
| Animal Judging Pavilion | 38,000 00 | |
| Horse and Cattle Barn | 10,000 00 | |
| Sheep Barn | 1,500 00 | |
| Hog Barn | 1,500 00 | |
| Hog Cholera Building | 4,000 00 | |
| Incinerator | 2,500 00 | |
| Roads, Bridges and Sidewalks | 10,000 00 | 10,000 00 |
| Waterworks and apparatus and air compressor | 15,000 00 | 20,000 00 |
| Power Lines | 3,000 00 | |
| Laundry | 4,000 00 | |
| Athletic Grounds | 500 00 | 500 00 |
| Total | \$453,000 00 | \$634,900 00 |

The proceeds of the Pure Feed Control Department, not to exceed \$25,000, are hereby appropriated for the year ending August 31, 1914, for the purpose of providing a hydraulic laboratory.

The proceeds of the Pure Feed Control Department, for the years beginning September 1, 1913, and ending August 31, 1915, subject to the preceding item,

are hereby appropriated for the purpose of building a mechanical and engineering building, the same to cost not to exceed \$75,000.

Provided, that this appropriation is conditioned that the president of said Agricultural and Mechanical College shall require some of the industrial classes taught at said college.

Provided, that in addition to the above, the interest on \$209,000 of State bonds, held by the Agricultural and Mechanical College fund, is hereby appropriated for the support of this institution; provided further, that the board of directors of the Agricultural and Mechanical College of Texas shall include in this report the number of and the salaries of the faculty and employees of the Agricultural and Mechanical College and of the Prairie View Normal School, and of receipts and expenditures, itemized, of each of these institutions and in the same manner as the law requires the board of regents to report the salaries and number of the faculty and employees and the receipts of the University of Texas.

Provided, that all the proceeds of the sale of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury, and become a part of the general revenue of the State.

Provided, first, reports shall be made quarterly and filed with the Comptroller, giving an itemized statement of all moneys paid out and showing from what particular fund said money was paid.

Second, the full amount of money taken in from all sources, including farm products, dairy products, and the amount paid in by each student for board or other items during the term. Said statement shall show what disposition is made of said funds, and if any surplus remains on hand at the end of any school year, it shall be remitted to the State Treasury.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

State Experimental Sub-stations.

| | For the Years Ending Aug. 31. 1914. Aug. 31, 1915. | |
|---|---|--------------|
| For support and maintenance of eleven sub-stations, including the station at Nacogdoches, at \$7500 each... | \$ 82,500 00 | \$ 82,500 00 |
| For co-operative feeding and breeding experiments on Texas farms and ranches..... | 5,000 00 | 5,000 00 |
| For sheep breeding work (under way at present time) | 2,000 00 | 2,000 00 |
| For printing station bulletins and circulars..... | 3,000 00 | 3,000 00 |
| Total | \$ 92,500 00 | \$ 92,500 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Prairie View Normal.

| | For the Years Ending Aug. 31. 1914. Aug. 31, 1915. | |
|---|---|--------------|
| Maintenance and support..... | \$ 17,500 00 | \$ 17,500 00 |
| Female Industrial Department..... | 2,000 00 | 2,000 00 |
| Agricultural and Mechanical Department, Including Dairy | 5,000 00 | 5,000 00 |
| Library and Periodicals..... | 500 00 | 500 00 |
| Laboratory | 500 00 | 500 00 |
| Stationery, Postage and Printing..... | 300 00 | 300 00 |

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Improvements on Grounds and Roads..... | \$ 1,000 00 | \$ 1,000 00 |
| Repairs and Painting..... | 5,000 00 | 5,000 00 |
| Furniture for Dormitories..... | 1,000 00 | 1,000 00 |
| Student Labor..... | 2,500 00 | 2,500 00 |
| Fences and Bridges..... | 500 00 | 500 00 |
| Steam and Electric Plant and Running Expenses..... | 2,000 00 | 2,000 00 |
| Cottages..... | 2,000 00 | 2,000 00 |
| To plaster and equip Assembly Hall..... | 4,500 00 | |
| Gallery for Assembly Hall, complete and equipped.... | | 3,000 00 |
| Water tower..... | 3,000 00 | |
| New well..... | 2,500 00 | |
| Water mains and fire hydrants, as per estimate of State | | |
| Fire Marshal..... | 12,600 00 | |
| Underwriters' pump and engine..... | | 4,200 00 |
| Kitchen equipment..... | 5,000 00 | |
| New boilers..... | 7,500 00 | |
| Domestic Science Building (fireproof), complete and | | |
| equipped..... | 40,000 00 | |
| Dormitory (fireproof), complete and equipped..... | | 50,000 00 |
| Addition to shops..... | | 10,000 00 |
| Power plant and equipment..... | 20,000 00 | |
| Laundry, complete and equipped..... | | 20,000 00 |
| To purchase one jack and stallion..... | 1,300 00 | |
| Sanitary closets for boys' dormitories and to connect to | | |
| sewer..... | 650 00 | |
| Bathhouse..... | | 2,100 00 |
| Total..... | \$136,850 00 | \$129,100 00 |

Provided, that the receipts from the sales of farm and dairy products, surplus stock and wornout property shall be paid into the State Treasury and become a part of the general revenue of the State.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named therein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

College of Industrial Arts for Women.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Maintenance and support, salaries of president, teachers and other employes..... | \$ 42,000 00 | \$ 46,000 00 |
| For student labor..... | 1,500 00 | 1,500 00 |
| Printing bulletins and catalogues..... | 750 00 | 750 00 |
| Stationery and postage..... | 350 00 | 350 00 |
| Telephone, telegraph, small printing and office supplies. | 700 00 | 700 00 |
| Material and supplies for several departments—brushes, brooms, toilet supplies, chemicals and practice materials..... | 1,000 00 | 1,000 00 |
| Support for summer school for industrial instruction, salaries of teachers and supplies..... | 1,500 00 | 1,500 00 |
| Light, heat, power, coal, wood, gasoline and electricity. | 2,000 00 | 2,000 00 |
| Fire protection, including hose, chemical extinguisher, pipe, etc..... | 1,500 00 | |
| Library books and periodicals..... | 750 00 | 750 00 |
| Advertising..... | 200 00 | 200 00 |
| Inside improvements and repairs to buildings..... | 2,000 00 | 1,000 00 |
| Department funds for purchase of apparatus, cases, charts, models, specimens, etc..... | 2,500 00 | 2,000 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Outside improvements—fences, sheds, painting, shade trees, sidewalks, grading..... | \$ 3,000 00 | \$ 1,500 00 |
| For vocational departments, instruction and equipment. | 2,000 00 | 2,000 00 |
| Dairy, horse and poultry feed, including dairy yards and farm implements..... | 750 00 | 750 00 |
| Regents' fund and auditing books..... | 500 00 | 500 00 |
| Commencement expenses, programs, invitations and recitals..... | 150 00 | 150 00 |
| Traveling expenses of president of college..... | 100 00 | 100 00 |
| Contingent expenses..... | 750 00 | 750 00 |
| Labor on grounds..... | 3,000 00 | 3,000 00 |
| Extension demonstration, including salary, traveling and incidental expenses..... | 2,000 00 | 2,000 00 |
| Special permanent equipment for chemistry, physiology, including the hospital, biology and agriculture..... | 2,500 00 | |

Permanent Improvements.

| | | |
|---|------------|-----------|
| Greenhouse, enlarging and repairs, seeds, pots, plants and tools..... | 1,200 00 | 150 00 |
| Household arts cottage..... | | 1,800 00 |
| One dormitory and dining hall..... | 125,000 00 | |
| Equipment for dormitory and furnishings..... | | 15,000 00 |
| Completion of main building..... | | 40,000 00 |
| One laundry building and equipment..... | 12,000 00 | |
| Enlargement of boiler house and one additional boiler. | | 15,000 00 |
| One farm cottage..... | 1,200 00 | |

Additional Equipment.

| | |
|--|-------------|
| Domestic science equipment..... | \$ 1,109 00 |
| Chairs for auditorium..... | 1,923 95 |
| Woodworking machinery..... | • 1,642 87 |
| Twenty-four double work benches..... | 936 00 |
| Art equipment—stands, tables, etc..... | 967 00 |
| Pottery kiln..... | 175 00 |
| Blue-print frame..... | 55 82 |
| Dining room equipment..... | 80 80 |
| Casts and art equipment..... | 155 75 |
| 144 chairs..... | 432 00 |
| 24 tables for domestic art..... | 144 00 |
| 24 sewing machines..... | 660 00 |

| | | |
|-------------|--------------|--------------|
| Total | \$219,182 19 | \$140,450 00 |
|-------------|--------------|--------------|

* The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sam Houston Normal Institute.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| For support and maintenance..... | \$ 54,000 00 | \$ 54,000 00 |
| Apparatus and equipment..... | 4,000 00 | 4,000 00 |
| Repairs and improvements..... | 5,000 00 | 5,000 00 |
| Apparatus for physical education..... | | 2,000 00 |
| Department of Agriculture..... | 3,800 00 | 1,700 00 |
| Department of Manual Training..... | 2,000 00 | 2,500 00 |
| Department of Domestic Science and Art, including equipment for sewing classes..... | 1,750 00 | 1,500 00 |

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Student labor fund..... | \$ 1,000 00 | \$ 1,000 00 |
| Well, tank, pump and fixtures for fire protection and water supply (based on Fire Marshal's estimate)... | 11,800 00 | |
| Science building | 50,000 00 | |
| Central heating plant and connections, to be spent in two years | 30,000 00 | |
| Industrial building | | 50,000 00 |
| Furniture and equipment for training school building. | | 5,000 00 |
| Total | \$163,350 00 | \$126,700 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

North Texas State Normal.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Support and maintenance | \$ 56,000 00 | \$ 56,000 00 |
| Repairs of buildings | 2,500 00 | 1,000 00 |
| Improvement of grounds | 500 00 | 1,000 00 |
| Apparatus and equipment | 2,000 00 | 3,000 00 |
| Painting of buildings | 300 00 | 200 00 |
| Department of Agriculture..... | 500 00 | 500 00 |
| Department of Manual Training | 500 00 | 500 00 |
| Department of Domestic Science | 500 00 | 500 00 |
| Reference books for library | 3,000 00 | 3,000 00 |
| Equipment for library building and gymnasium | 11,000 00 | |
| Construction of central heating plant, complete with boilers, pipes, etc. | 30,000 00 | |
| Grounds for athletics and improvement of same..... | 6,000 00 | |
| Construction of building for model training department. | | 50,000 00 |
| Equipment of Model Training Department, with furniture, apparatus, etc..... | | 5,000 00 |
| Construction of Manual Arts Building..... | 50,000 00 | |
| Total | \$162,800 00 | \$120,700 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Southwest Texas State Normal.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Support and maintenance | \$ 54,000 00 | \$ 54,000 00 |
| Library, apparatus, repairs, equipment and improvement | 5,000 00 | 5,000 00 |
| Improvement of grounds..... | 2,000 00 | 2,000 00 |
| Training Department Building..... | | 50,000 00 |
| Grounds for Training Department..... | 5,000 00 | |
| Equipment for Training Department Building..... | | 5,000 00 |
| Additional lands | 4,000 00 | |
| Agriculture, Home Economics and Manual Training.... | 2,000 00 | |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Heating plant | | \$ 25,000 00 |
| Remodeling stairways of Library Building..... | \$ 2,800 00 | |
| Total | \$ 74,800 00 | \$141,000 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

West Texas State Normal.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Maintenance and support..... | \$ 40,000 00 | \$ 45,000 00 |
| Library, books and improvements..... | 5,000 00 | 5,000 00 |
| Equipments for Agriculture, Physics, Chemistry, Biology, Domestic Science, Manual Training, Music, Art and Training School | 5,000 00 | |
| To complete heating plant..... | 4,000 00 | |
| Training School or Industrial Building..... | | 50,000 00 |
| Wiring, plumbing and equipment, Training School or Industrial Building | | 5,000 00 |
| Floor covering and office furniture..... | 2,500 00 | |
| Fencing and improving grounds and driveways..... | 5,000 00 | |
| Dormitories fitted for "batching" and "light house-keeping" for students unable to pay board..... | 60,000 00 | |
| Estimate of cost for proposed private inside and outside fire protection (based on Fire Marshal's report) .. | 5,900 00 | |
| Salary of watchman | 600 00 | 600 00 |
| Total | \$128,000 00 | \$105,600 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

In addition to the appropriations made by this act, for the support of the several State Normals, the Board of Education is hereby authorized to direct and to permit each of such Normals to collect from each student attending the same for each year, an incidental fee not to exceed the sum of \$15, and shall direct how the same may be applied.

Provided, that all new buildings authorized by this act and for which appropriations are hereby made shall be of fireproof construction and all plans and specifications for the erection of buildings and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission.

Provided, that the purchase of equipment and furniture for buildings authorized to be constructed, added to or improved by this bill, and of material and equipment for the installation of fire protection, shall be contracted for by the State Purchasing Agent in accordance with the provisions of Chapter 1, of Title 125, of the Revised Statutes of 1911.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Recapitulation.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| University of Texas..... | \$ 670,800 00 | \$ 712,750 00 |
| Agricultural and Mechanical College..... | 453,000 00 | 634,900 00 |
| State experimental sub-stations..... | 92,500 00 | 92,500 00 |
| Prairie View Normal..... | 136,850 00 | 129,100 00 |
| College of Industrial Arts for Women..... | 219,182 19 | 140,450 06 |
| Sam Houston Normal Institute..... | 163,350 00 | 126,700 00 |
| North Texas State Normal..... | 162,800 00 | 120,700 00 |
| Southwest Texas State Normal..... | 74,800 00 | 141,000 00 |
| West Texas State Normal..... | 128,000 00 | 105,600 00 |
| Total | \$2,101,282 19 | \$2,203,700 00 |

The above report was read and adopted by the following vote:

Yeas—31.

| | | | |
|--------------------|-----------|------------|------------|
| Astin. | Cowell. | Lattimore. | Terrell. |
| Bailey of De Witt. | Darwin. | McGregor. | Townsend. |
| Bailey of Harris. | Gibson. | McNealus. | Warren. |
| Brelsford. | Greer. | Morrow. | Watson. |
| Carter. | Hall. | Nugent. | Westbrook. |
| Clark. | Harley. | Oliver. | Wiley. |
| Collins. | Hudspeth. | Real. | Willacy. |
| Conner. | Johnson. | Taylor. | |

HOUSE BILL NO. 44.

(Pending Business.)

Action recurred on the pending business, House bill No. 44, the question being on the amendment by Senators Darwin and Willacy.

RECESS.

On motion of Senator Clark, the Senate, at 12:25 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

SENATE BILL NO. 25—HOUSE
AMENDMENTS CON-
CURRED IN.

Senator Bailey of DeWitt called up Senate bill No. 25, with the following House amendments:

Amend Senate bill No. 25, Section 1, by adding at the end thereof the following:

"Provided, also, that the Governor, the Attorney General, and the Commissioner

of the General Land Office shall lease said water rights to said Cuero Light & Power Company, or to any other parties, at a rate of not less than one-tenth of one per cent annually, upon the gross earnings of said lessees."

Amend the bill and caption thereof by striking out wherever they occur the words "Land Commissioner" and inserting in lieu thereof the words "Commissioner of the General Land Office."

The amendment was read, and, on motion of Senator Bailey of DeWitt, the Senate concurred in same by the following vote:

Yeas—23.

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Clark. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | |
| | Absent. |
| Brelsford. | Nugent. |
| Collins. | Oliver. |
| Gibson. | Warren. |
| Johnson. | Willacy. |

Senator Bailey of DeWitt moved that the vote by which the amendments were

concurrent in be reconsidered and to lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 36.

Senator Watson moved that the regular order of business, House bill No. 44, be suspended, and that House bill No. 35 be taken up out of its order, and

Senator Townsend moved, as a substitute, that the regular order of business be suspended and House bill No. 36 be taken up out of its order.

Action recurred on the substitute motion first and the same was adopted by the following vote:

Yeas—12.

| | |
|-----------|------------|
| Carter. | McNealus. |
| Conner. | Nugent. |
| Darwin. | Taylor. |
| Greer. | Townsend. |
| Johnson. | Westbrook. |
| McGregor. | Wiley. |

Nays—11.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of Harris. | Morrow. |
| Clark. | Real. |
| Cowell. | Terrell. |
| Gibson. | Watson. |
| Harley. | |

Present—Not Voting.

Hall.

Absent.

| | |
|--------------------|----------|
| Bailey of De Witt. | Oliver. |
| Brelsford. | Warren. |
| Collins. | Willacy. |
| Hudspeth. | |

Action recurred on the motion to suspend the regular order of business, as substituted (to take up House bill No. 36), and the same was adopted by the following vote:

Yeas—29.

| | |
|--------------------|------------|
| Astin. | Harley. |
| Bailey of De Witt. | Hall. |
| Bailey of Harris. | Hudspeth. |
| Brelsford. | Johnson. |
| Carter. | Lattimore. |
| Clark. | McGregor. |
| Collins. | McNealus. |
| Conner. | Morrow. |
| Cowell. | Nugent. |
| Darwin. | Real. |
| Gibson. | Taylor. |
| Greer. | Terrell. |

Townsend.
Warren.
Westbrook

Wiley.
Willacy.

Nays—1.

Watson.

Absent.

Oliver.

On motion of Senator Townsend, the constitutional rule requiring bills to be read on three several days was suspended, and House bill No. 36 was put on its second reading by the following vote:

Yeas—28.

| | |
|--------------------|------------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | Johnson. |
| Bailey of Harris. | Lattimore. |
| Brelsford. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Gibson. | Townsend. |
| Greer. | Warren. |
| Hall. | Westbrook. |
| Harley. | Wiley. |

Nays—1.

Watson.

Absent.

McGregor.

Willacy.

The Chair laid before the Senate, on second reading,

House bill No. 36, known as the 9:30 closing bill. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Townsend offered the following amendment:

Amend the bill as shown by printed bill, page 2, line 40, by striking out the words "or transact such business."

Senator Watson made the point of order that the bill could not be considered under the Governor's call submitting the subject for consideration, in that it sought to amend an article that was not submitted by the Governor.

The Chair sustained the point of order, holding Article 7443 could not be considered.

Senator Watson moved that the further consideration of this bill be suspended, at this time, and that the Senate take up House bill No. 35.

Senator Townsend moved to table that motion, which motion to table was adopted by the following vote:

Yeas—17.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Carter. | McNealus. |
| Collins. | Nugent. |
| Conner. | Taylor. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Westbrook. |
| Greer. | Wiley. |
| Johnson. | |

Nays—13.

| | |
|--------------------|-----------|
| Astin. | McGregor. |
| Bailey of De Witt. | Oliver. |
| Bailey of Harris. | Real. |
| Clark. | Terrell. |
| Hall. | Watson. |
| Harley. | Willacy. |
| Hudspeth. | |

Present—Not Voting.

Morrow.

Action recurred on House bill No. 36, and Senator Townsend withdrew the pending amendment:

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill by striking out Article 7443 and amend the caption in conformity herewith.

Senator Townsend offered the following amendment.

Amend the bill, Article 7435, page 2, line 40, in House printed bill, by striking out the word "such" and inserting in lieu thereof the word "any."

Senator Watson moved to table the amendment.

Pending discussion,

Senator Townsend moved the previous question on the amendment and the bill, which motion being duly seconded, was so ordered.

Action recurred on the motion to table the amendment, and the same lost by the following vote:

Yeas—10.

| | |
|-------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of DeWitt. | Oliver. |
| Bailey of Harris. | Real. |
| Clark. | Terrell. |
| Harley. | Watson. |

Nays—17.

| | |
|------------|---------|
| Brelsford. | Cowell. |
| Carter. | Darwin. |
| Collins. | Gibson. |
| Conner. | Greer. |

30—S

| | |
|------------|------------|
| Johnson. | Townsend. |
| Lattimore. | Warren. |
| Morrow. | Westbrook. |
| Nugent. | Wiley. |
| Taylor. | |

Present—Not Voting.

| | |
|-----------|----------|
| McNealus. | Willacy. |
|-----------|----------|

Absent.

| | |
|-------|-----------|
| Hall. | McGregor. |
|-------|-----------|

The amendment was then adopted.

The bill was read second time and passed to a third reading.

Senator Townsend moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be placed on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—18.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Carter. | McNealus. |
| Collins. | Morrow. |
| Conner. | Nugent. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Johnson. | Wiley. |

Nays—11.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | Oliver. |
| Bailey of Harris. | Real. |
| Clark. | Terrell. |
| Hall. | Watson. |
| Harley. | |

Absent.

| | |
|-----------|----------|
| McGregor. | Willacy. |
|-----------|----------|

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference report on House bill No. 2 by the following vote: Yeas 97, nays 3.

The House has dopted the Free Conference report on House bill No. 14 by the following vote: Yeas 101, nays 0.

The House has adopted the Free Conference report on House bill No. 24 by the following vote: Yeas 103, nays 0.

The House concurred in Senate amendments to House bill No. 50 by the following vote: Yeas 101, nays 0.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

EXECUTIVE MESSAGE.

Governor's Office,
Austin, Texas, August 18, 1913.

To the Senate:

I ask the advice and consent of the Senate to the following appointments:

To be a member of the Board of Managers of the Confederate Home, Gen. Felix H. Robertson of Crawford, McLennan county, in place of R. O. Harris, resigned.

To be members of the Board of Managers of the State Juvenile Training School at Gatesville, W. W. Sealy and M. M. Harris of Waco, McLennan county; Davis R. Hall of Gatesville, Coryell county; Dr. D. C. Homan of Oglesby, Coryell county; Mrs. E. W. Bounds of Marlin, Falls county, and Mrs. M. Cavett of Leon Junction, Coryell county.

Respectfully submitted,

O. B. COLQUITT,
Governor of Texas.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 35, contingent expense appropriations.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 40—REPORT OF FREE CONFERENCE COMMITTEE.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the two houses on House

bill No. 40, beg leave to report as follows:

First. That the Senate recedes from its action in adopting amendment No. 1, which is as follows:

Amend the bill, Section 6, line 1, by striking out the word "Governor" and insert in lieu thereof "the Legislature."

Second. That there be added after the word "advisable," in line 5, paragraph B, of Section 6, the following: "Provided, however, no station shall be abandoned and relocated beyond the bounds of the county in which such station was originally located."

NUGENT,

GIBSON,

BAILEY of DeWitt,

WATSON,

On the part of the Senate.

BURMEISTER,

ROWELL,

FOUNTAIN,

CRISP,

BRUCE,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—24.

Astin.

Bailey of DeWitt.

Bailey of Harris.

Brelsford.

Carter.

Clark.

Collins.

Conner.

Cowell.

Greer.

Hall.

Harley.

Johnson.

Lattimore.

Morrow.

Nugent.

Oliver.

Real.

Taylor.

Terrell.

Townsend.

Warren.

Watson.

Westbrook.

Nays—2.

Darwin.

Wiley.

Present—Not Voting.

McGregor.

McNealus.

Absent.

Gibson.

Willacy.

Hudspeth.

Senator Bailey of DeWitt moved to reconsider the vote by which the report was adopted and lay that motion on the table.

The motion to table prevailed.

By unanimous consent, Senator Townsend requested that his name be stricken from the report.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Collins:

Whereas, A knowledge of the Constitution of Texas is indispensable to a member of the Legislature; and,

Whereas, It is earnestly desired that each member of this body should study the Constitution before the convening of the next session of the Legislature; therefore be it

Resolved, That the Senate purchase thirty-two volumes, one for each member of this body, and one for the Lieutenant Governor, of Harris' Annotated Constitution, and that same be paid for out of the contingent expenses of the Senate.

HUDSPETH.
COLLINS.

Senator Darwin offered the following amendment to the resolution:

Amend the resolution by adding: "No copy shall cost not more than \$3."

Senator Hudspeth moved to table the amendment, which motion was lost by the following vote:

Yeas—12.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | Nugent. |
| Bailey of Harris. | Oliver. |
| Clark. | Real. |
| Collins. | Watson. |
| Hall. | Willacy. |

Nays—14.

| | |
|------------|------------|
| Brelsford. | McNealus. |
| Carter. | Taylor. |
| Conner. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Johnson. | Westbrook. |
| Lattimore. | Wiley. |

Present—Not Voting.

| | |
|---------|---------|
| Cowell. | Morrow. |
|---------|---------|

Absent.

| | |
|---------|-----------|
| Gibson. | McGregor. |
| Harley. | |

Senator Collins, by unanimous consent, withdrew the resolution.

SENATE BILL NO. 54.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 54. A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Present—Not Voting.

| | |
|--------------------|---------|
| Bailey of De Witt. | Nugent. |
| Hall. | |

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

| | |
|-------------------|------------|
| Astin. | Johnson. |
| Bailey of DeWitt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

McGregor.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 35.

(By Unanimous Consent.)

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 35 put on its second reading by the following vote:

Yeas—29.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of DeWitt. | McNealus. |
| Bailey of Harris. | Morrow. |
| Brelsford. | Nugent. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Harley. | Willacy. |
| Hudspeth. | |

Absent.

Johnson. McGregor.

The Chair laid before the Senate, on second reading,

House bill No. 35, known as the interstate liquor shipment bill. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read.

Senator Morrow offered the following amendment:

Amend the bill by striking out Section 16.

Pending discussion, Senator Townsend moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—15.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Carter. | McNealus. |
| Collins. | Taylor. |
| Conner. | Townsend. |
| Cowell. | Warren. |
| Darwin. | Westbrook. |
| Greer. | Wiley. |
| Johnson. | |

Nays—13.

| | |
|--------------------|-------------------|
| Astin. | Bailey of Harris. |
| Bailey of De Witt. | Clark. |

| | |
|-----------|----------|
| Hall. | Real. |
| Harley. | Terrell. |
| Hudspeth. | Watson. |
| Morrow. | Willacy. |
| Oliver. | |

Absent.

| | |
|-----------|---------|
| Gibson. | Nugent. |
| McGregor. | |

Senator Townsend offered the following amendment, which was read and adopted:

Amend the bill on last line of Section 5 by striking out the word "sold" and inserting in lieu thereof the word "used."

Senator Morrow offered the following amendment:

Amend the caption by striking out the following: "Requiring a participant or accomplice to testify and exempting such witness from punishment."

Senator Townsend moved to table the amendment, which motion was adopted.

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 14 and insert in lieu thereof the following:

"Any corporation which shall violate any of the provisions of this act shall for each such violation forfeit and pay the sum of five hundred dollars to the State of Texas. The county attorney for the county or in case there is no county attorney for said county, then the district attorney for the district, including such county in which such violation may occur, shall, upon credible information furnished him, institute suit or suits in the name of the State of Texas against such corporation for the recovery of said penalties; and in case of a recovery of any penalties, the said attorney instituting and prosecuting said cases shall be entitled to one-fourth of the amount thereof as commission for his services, and the remainder thereof shall be paid into the road and bridge fund of said county; provided, that the State of Texas shall in no event be liable for any costs in any suit authorized by this law to enforce its provisions and the State shall not be required to give any bond for costs in any suit instituted under the provisions of this act.

"And, provided further, that should any county or district attorney refuse to bring such suit after credible information has been furnished him, then and in that event any private person, a citizen of the county in which the violation occurred, may institute suit in his own name for the use and benefit of the State of Texas as provided for herein for the recovery of such penalties provided

for in this act; and said person so instituting any suit may be required to give security for costs as provided for under the general laws of the State of Texas.

"Provided, further, that should any private citizen institute suit as herein provided for, and he be required to give bond, and thereafter any county or district attorney desiring to prosecute same, said attorney shall be permitted so to do, and his name shall be entered upon the court docket where said case is pending, and thereafter said private citizen and his sureties shall be relieved of all costs in said case at that time remaining unpaid, which have accrued or which may thereafter accrue."

The amendment was read and adopted.

Senator Townsend offered the following amendment:

Amend the bill, Section 8, by adding after the word "licensed," where it first appeared in said section, and add the words "or authorized."

Senator Townsend moved the previous question on the amendment of the bill, which motion, being duly seconded, was so ordered.

The amendment was adopted.

The bill was read second time and passed to a third reading.

On motion of Mr. Townsend, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | Morrow. |
| Brelsford. | Nugent. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Present—Not Voting.

McNealus.

Absent.

Gibson.

McGregor.

The bill was read a third time, and Senator Watson offered the following amendment:

Amend the bill by adding at the end of Section 9, the following:

"Provided, however, should any per-

son so carrying any such liquors within or into the limit of any county or subdivision thereof, justice precinct, city or town in this State within which the sale of intoxicating liquors has been or may hereafter be prohibited under the laws of the State of Texas or of said county, or subdivision thereof, justice precinct, city or town, dispose of the same to any other person in such manner as same would not otherwise be a violation of or prohibited by the laws of such county or subdivision thereof, justice precinct, city or town, then such disposal of such intoxicating liquors so made shall be prima facie evidence of the intention of said person to use said intoxicating liquors for a purpose in violation of the provisions of this act, and that said liquors were not intended nor provided for the use of himself, or the members of his family residing with him."

Senator Townsend moved the previous question on the amendment and the bill, which motion, being duly seconded, was so ordered.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on House bill No. 40 by the following vote: Yeas 108, nays 0.

The House adopts the Free Conference Committee report on House bill No. 13, by the following vote: Yeas 103, nays 4.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

House Concurrent Resolution No. 12, Submitting to the qualified voters of Texas the question of calling a Constitutional Convention.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 2—REPORT OF FREE CONFERENCE COMMITTEE.

Committee Room,
Austin, Texas, August 15, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell,
Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 2, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee substitute for House bill No. 2 do pass in lieu thereof.

LATTIMORE,
HUDSPETH,
WILEY,
COLLINS,
BAILEY of Harris,
WILLACY,

On the part of the Senate.

WORTHAM,
HILL,
GOODNER,
KIRBY,
WOODS,

On the part of the House.

FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2.

A BILL

To Be Entitled

An Act making appropriations for the support of the State government for two years beginning September 1, 1913, and ending August 31, 1915, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1913, and to pay various miscellaneous claims against the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support of the State government from September 1, 1913, to August 31, 1915; provided, that each and every employe of each and every institution or department of this State shall be paid by voucher issued in his or her name; said voucher shall state the amount of salary or sum due, and for what service performed, with the date and time of said service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers endorsed by the payee; provided, further, that all of said vouchers upon which any money or moneys have been paid shall be filed with the Comptroller for the inspection of the Governor and the Legislature or by their authority; and provided further, that the correct accounts shall be kept for all sums paid, or obligations outstanding against each item of appropriation herein, and weekly statements of the net balances to the credit of each account, after all payments made and obligations outstanding have been deducted, shall be forwarded to the State Comptroller, and it shall be unlawful for the State Purchasing Agent or the authority in charge of any institution or department of this State to purchase or issue orders for any supplies or otherwise pledge the credit of this State beyond the amounts herein appropriated or otherwise lawfully authorized.

Executive Office.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Governor..... | \$ 4,000 00 | \$ 4,000 00 |
| Salary of private secretary..... | 2,400 00 | 2,400 00 |
| Salary of two stenographers at \$1200 each..... | 2,400 00 | 2,400 00 |
| Salary of porter..... | 480 00 | 480 00 |
| Payment of rewards and other expenses necessary for the enforcement of the law, and telegraphing and telephoning for all purposes..... | 7,500 00 | 7,500 00 |
| Payment of rewards and other expenses necessary for the enforcement of the law heretofore authorized, to be expended under the direction of the Governor..... | 1,000 00 | |
| Traveling expenses of Governor..... | 1,000 00 | 1,000 00 |
| Books and stationery..... | 500 00 | 500 00 |
| Freight and postage..... | 500 00 | 500 00 |
| Ice..... | 36 00 | 36 00 |
| Contingent expenses..... | 100 00 | 100 00 |
| To pay Lieutenant Governor for acting as Governor, to be used in two years..... | 500 00 | |
| Salaries of Board of Pardon Advisers is hereby fixed at..... | 5,000 00 | 5,000 00 |
| Salaries of stenographic clerk and bookkeeper for Board of Pardon Advisers..... | 1,200 00 | 1,200 00 |
| Contingent expenses of Board of Pardon Advisers..... | 300 00 | 300 00 |
| Furniture for Board of Pardon Advisers..... | 200 00 | |
| One typewriter for Board of Pardon Advisers..... | 100 00 | |
| Expenses of Board of Pardon Advisers in visiting penitentiaries, reformatory and camps..... | 500 00 | 500 00 |
| Total | \$ 27,716 00 | \$ 25,916 00 |

The Governor of Texas is hereby authorized to pay into the State Treasury any and all funds that may be in his possession due to the volunteers from Texas in the war between the United States and Spain. Any such fund so paid into the State Treasury by the Governor shall be placed to the credit of the volunteers from Texas in the war with Spain, and upon proper proof being submitted in accordance with law by any volunteer from Texas to whom any portion of said money is due, the Governor shall approve same, and any accounts thus approved shall be sufficient upon which the Comptroller shall issue his warrant upon the State Treasury for payment of same, out of any money in the Treasury to the credit of the volunteers from Texas."

Mansion and Grounds.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| For Governor's Mansion, including repairs and remodeling of Mansion, improvement of grounds surrounding the Mansion, including repairs and improvements to Mansion and grounds and the necessary labor to care for same, to be expended in two years..... | \$ 12,000 00 | |
| Labor and employes at Mansion..... | 1,000 00 | \$ 1,000 00 |
| Fuel, lights, water, ice, groceries and incidentals..... | 2,000 00 | 2,000 00 |
| Total | \$ 15,000 00 | \$ 3,000 00 |

The appropriations herein provided for the Executive Office and Mansion and Grounds are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Department of State.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Secretary of State..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of chief clerk..... | 2,000 00 | 2,000 00 |
| Salary of cashier and clerk (to be placed under \$10,- 000 bond) | 1,800 00 | 1,800 00 |
| Salary of bookkeeper..... | 1,500 00 | 1,500 00 |
| Salary of general clerk..... | 1,350 00 | 1,350 00 |
| Salary of charter clerk..... | 1,200 00 | 1,200 00 |
| Salary of assistant bookkeeper..... | 1,350 00 | 1,350 00 |
| Salary of executive clerk..... | 1,350 00 | 1,350 00 |
| Salaries of three stenographers..... | 3,800 00 | 3,800 00 |
| Salary of porter..... | 600 00 | 600 00 |
| Salary of emergency clerks, not to exceed \$100 per month | 2,500 00 | 2,500 00 |
| Freight, postage, express, telegraphing and telephoning and contingent expenses..... | 2,800 00 | 2,800 00 |
| Books and stationery..... | 1,500 00 | 1,500 00 |
| Furniture, files and typewriters..... | 600 00 | 600 00 |
| For copying and proof reading Acts of the Called Ses- sion, Thirty-third Legislature..... | 200 00 | |
| Total | \$ 24,350 00 | \$ 24,150 00 |

Provided, that the head of said department keep a record of the absences of the various employes, and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

State Revenue Agent.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of State Revenue Agent..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of chief clerk and stenographer..... | 1,500 00 | 1,500 00 |
| Traveling and other expenses..... | 1,000 00 | 1,000 00 |
| Stationery, stamps and telegraphing..... | 300 00 | 300 00 |
| Office furniture | 200 00 | |
| Total | \$ 5,000 00 | \$ 4,800 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Public Buildings and Grounds.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Superintendent..... | \$ 1,500 00 | \$ 1,500 00 |
| Salary of Superintendent for looking after State's property at Austin..... | 500 00 | 500 00 |
| Salary of clerk..... | 1,200 00 | 1,200 00 |
| Salary of engineer and electrician..... | 1,200 00 | 1,200 00 |

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|--------------|
| Salary of assistant engineer and electrician..... | \$ 1,000 00 | \$ 1,000 00 |
| Salaries of seven watchmen, ex-confederate soldiers and sailors to be given preference in employment... | 5,460 00 | 5,460 00 |
| Salary of carpenter..... | 1,000 00 | 1,000 00 |
| Salaries of two firemen..... | 1,440 00 | 1,440 00 |
| Salary of two elevator operators..... | 960 00 | 960 00 |
| Salary of painter..... | 1,100 00 | 1,100 00 |
| Salary of plasterer..... | 800 00 | 800 00 |
| Salaries of seven cleaners..... | 3,780 00 | 3,780 00 |
| Salary of teamster..... | 600 00 | 600 00 |
| Salary of W. P. Zuber, guide in charge of paintings.... | 480 00 | 480 00 |
| Salary of Mrs. Rebecca J. Fisher, assistant guide in charge of paintings..... | 480 00 | 480 00 |
| Labor and material on Capitol grounds; keeping State cemetery, repairing State sewer, headstones for Con- federate and Texas veterans interred in State ceme- tery | 6,000 00 | 6,000 00 |
| New fence around State cemetery..... | 5,000 00 | |
| Water, light, fuel, contingencies and to purchase ma- chinery | 13,500 00 | 13,500 00 |
| Oil and waste for engines, dynamos and steam pumps and drawing paper and stationery..... | 400 00 | 400 00 |
| Feed for teams..... | 250 00 | 250 00 |
| Tools and implements..... | 200 00 | 200 00 |
| Laying water mains and fire hydrants..... | 4,000 00 | |
| Paving for unfinished portions of Capitol drives..... | 5,000 00 | |
| Salaries of two night watchmen at Capitol building, for purpose of fire protection, to thoroughly patrol the building at least once each hour under direc- tion of Superintendent of Public Buildings and Grounds, at \$50 per month each..... | 1,200 00 | 1,200 00 |
| For improvements, maintenance and care of San Ja- cinto State Park..... | 10,000 00 | 10,000 00 |
| Salary of keeper of San Jacinto State Park..... | 900 00 | 900 00 |
| Feed for teams at San Jacinto State Park..... | 200 00 | 200 00 |
| Pipes and fittings..... | 400 00 | 400 00 |
| Repairing and repainting the Capitol and for furni- ture in House and Senate..... | 1,500 00 | 1,500 00 |
| For repairing roof of Capitol..... | 7,500 00 | |
| For the care and maintenance of the Fannin Battlefield State Park and the Gonzales State Park..... | 1,000 00 | 1,000 00 |
| Total | \$ 78,550 00 | \$ 57,050 00 |

Provided, that the head of this department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department; and provided further, that the superintendent shall keep an itemized account of the expenses of the department and incorporate the same in his annual report.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Statutes of 1911.

Inspector of Masonry, Public Buildings and Works.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|-------------------------------|---|-------------|
| Salary of Inspector..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of two assistants..... | 3,600 00 | 3,600 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Stationery, postage and box rent..... | \$ 75 00 | \$ 90 00 |
| Office furniture, plan reading tables, shelving, cases for blue prints, record files for operation and materials on works for two years..... | 300 00 | 300 00 |
| Contingent office expenses, including telephone, water and ice | 100 00 | 100 00 |
| Material tests and analyses, long distance telephone, telegraphing, express and freight charges, incidentals pertaining to the supervision of State buildings and traveling expenses for two assistants and the Inspector | 3,575 00 | 3,560 00 |
| Total | \$ 9,650 00 | \$ 9,650 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Department of Insurance and Banking.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Commissioner is hereby fixed at..... | \$ 4,000 00 | \$ 4,000 00 |
| Salary of Commissioner as ex-officio Superintendent of Banking | 500 00 | 500 00 |
| Salary of Commissioner as member of State Insurance Commission | 500 00 | 500 00 |
| Salary of chief clerk..... | 2,000 00 | 2,000 00 |
| Salary of actuary..... | 2,500 00 | 2,500 00 |
| Salary of actuary's clerk..... | 1,500 00 | 1,500 00 |
| Salary of bank clerk..... | 1,800 00 | 1,800 00 |
| Salaries of three assistant bank clerks..... | 3,600 00 | 3,600 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Salary of certificate clerk..... | 1,200 00 | 1,200 00 |
| Salary of bookkeeper and general clerk..... | 1,500 00 | 1,500 00 |
| Salary of general clerk and stenographer..... | 1,200 00 | 1,200 00 |
| Salary of statistical clerk..... | 1,200 00 | 1,200 00 |
| Salary of stenographer, Banking Department..... | 1,200 00 | 1,200 00 |
| Salary of porter and file clerk..... | 480 00 | 480 00 |
| Traveling expenses, hotel bills, incurred by the Commissioner, or any of his assistants or employes when out of the city of Austin on business for the department | 1,500 00 | 1,500 00 |
| Expenses of Commissioner in enforcing the insurance and banking laws..... | 2,000 00 | 2,000 00 |
| Postage, stationery, telegraph, express and long distance phone calls | 3,500 00 | 3,500 00 |
| Rent of telephones..... | 60 00 | 60 00 |
| Binding annual statements of insurance companies.... | 50 00 | 50 00 |
| Ice | 36 00 | 36 00 |
| Contingent expenses | 250 00 | 250 00 |
| Publishing insurance laws, to be expended in two years | 500 00 | 500 00 |
| Office furniture, including typewriters, calculating machines and other necessary repairs..... | 1,000 00 | 500 00 |
| Salaries of seventeen bank examiners at \$2000 each... | 34,000 00 | 34,000 00 |
| Traveling expenses of seventeen bank examiners, and of the Commissioner in connection with bank matters, or so much as may be necessary | 31,875 00 | 31,875 00 |
| Salaries of three additional bank examiners first year, and five second year, if necessary to be appointed; | | |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

provided, the Commissioner of Insurance and Banking is authorized to appoint necessary bank examiners not to exceed one for every forty banks organized and operated under the laws of this State....\$ 6,000 00 \$ 10,000 00
Traveling expenses of additional bank examiners, if appointed, or so much thereof as may be necessary.... 5,625 00 9,375 00

State Insurance Commission.

Salaries of two members of State Insurance Commission to be appointed by the Governor, \$2500 each... 5,000 00 5,000 00
Compensation of experts, clerical force and other persons employed by the State Insurance Commission, and all necessary traveling expenses, and such other expenses as may be necessary in carrying out the provisions of the act creating said State Insurance Commission 94,500 00
Workmen's Compensation Act—
Salary of chairman of Industrial Accident Board to be appointed by the Governor..... 3,000 00 3,000 00
Salaries of two members of Industrial Accident Board, to be appointed by the Governor, \$2500 each..... 5,000 00 5,000 00
Salary of Secretary of Industrial Accident Board..... 2,000 00 2,000 00
For clerical services, traveling expenses, office furniture and equipment, postage, telegraph, telephone, typewriter, express and such other expenses as may be necessary in carrying out the act creating said Industrial Accident Board..... 5,000 00 5,000 00
Expenses which may be incurred by the Board of Directors of the Texas Employers' Insurance Association, under the provisions of Section 23, Part III, Chapter 79, Acts of the Thirty-third Legislature, to be expended in two years..... 5,000 00

Total of needed appropriations.....\$135,776 00 \$232,526 00

Provided, that all money collected by the authority of law from insurance companies and State bank and trust companies be paid into the State Treasury.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that a record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes, except under the provisions provided for in Article 4242, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Texas Library and Historical Commission.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

Salary of Librarian.....\$ 2,000 00 \$ 2,000 00
Salary of assistant librarian and cataloguer..... 1,200 00 1,200 00
Salary of archivist..... 1,200 00 1,200 00
Salary of stenographer and copyist..... 1,000 00 1,000 00
Salary of general assistant..... 720 00 720 00
Books for State Library..... 1,000 00 1,000 00
Gathering historical data..... 700 00 700 00
Stationery, library supplies, postage, freight..... 500 00 500 00
Subscriptions to newspapers and periodicals..... 250 00 250 00

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|---|---|--------------|
| Printing and publishing two volumes of Texas Archives, to be expended in two years..... | \$ 2,000 00 | |
| Binding and repairs..... | 400 00 | 400 00 |
| Traveling expenses of Commission when attending board meetings..... | 100 00 | 100 00 |
| Traveling expenses of State Librarian in the service of the Commission..... | 100 00 | 100 00 |
| Collecting and disseminating information about public libraries..... | 200 00 | 200 00 |
| Shelving for books, newspapers and manuscripts, with the necessary stack floors, railings and stairs; tables and chairs for reading room; office furniture, filing cabinets for legislative reference section, card cata- logue cases; gratings over windows in manuscript room, cases for Texas, Mexican and Confederate flags. | 2,000 00 | 2,000 00 |
| Telephone rent..... | 48 00 | 48 00 |
| Contingent expenses, including typewriter..... | 200 00 | 100 00 |
| Fire extinguishers..... | 150 00 | |
| For maintenance of Legislative Reference Department | 5,000 00 | 5,000 00 |
| Total | \$ 18,768 00 | \$ 16,518 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes of 1911.

State Tax Board.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|-------------|
| Salary of Tax Commissioner..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of stenographer..... | 900 00 | 900 00 |
| Extra accountant..... | 300 00 | 300 00 |
| Extra accountant help..... | 300 00 | 300 00 |
| Furniture..... | 100 00 | |
| Typewriter..... | 100 00 | |
| Postage, express, telegraph and telephone..... | 300 00 | 300 00 |
| Books and stationery..... | 100 00 | 50 00 |
| Contingent expenses..... | 100 00 | 100 00 |
| Total | \$ 4,472 00 | \$ 4,252 00 |

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

State Purchasing Agent.

| | For the Years Ending Aug. 31, 1914. Aug. 31, 1915. | |
|--|---|-------------|
| Salary of State Purchasing Agent is hereby fixed at... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk..... | 1,500 00 | 1,500 00 |
| Salary of assistant clerk..... | 1,200 00 | 1,200 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of porter..... | \$ 480 00 | \$ 480 00 |
| Extra help for preparing and making awards..... | 150 00 | 150 00 |
| One electric adding machine..... | 355 00 | |
| One typewriter | | 85 00 |
| Furniture | 100 00 | |
| Contingent and traveling expenses..... | 850 00 | 850 00 |
| Total | \$ 7,135 00 | \$ 6,765 00 |

Provided further, that the State Purchasing Agent shall advise the Financial Agent of the State Penitentiary when any department or State institution desires or needs any furniture or machinery, or anything else that is or may be manufactured at the State penitentiary, or the time set for receiving bids for said articles. Said notification shall be made by means of sending a duplicate notice of any public advertisement calling for bids by registered mail to the Financial Agent of the Penitentiary at Huntsville.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Public Printing.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Expert Printer and Secretary of Printing Board | \$ 1,800 00 | \$ 1,800 00 |
| Salary of one assistant and bookkeeper..... | 1,200 00 | 1,200 00 |
| First, second and third class printing and binding, and for printing papers of first, second and third class public printing | 30,000 00 | 30,000 00 |
| For printing and binding Texas Reports, Texas Civil Appeals Reports and Texas Criminal Reports..... | 9,000 00 | 9,000 00 |
| For advertising State business..... | 500 00 | 500 00 |
| Telephone rent, postage, stationery and files, furniture and contingent expenses..... | 150 00 | 150 00 |
| Total | \$ 42,650 00 | \$ 42,650 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Bureau of Labor Statistics.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Commissioner..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of two factory inspectors..... | 3,000 00 | 3,000 00 |
| Salary of one safety appliance inspector..... | 1,500 00 | 1,500 00 |
| Salary of one statistician and stenographer..... | 1,500 00 | 1,500 00 |
| Traveling expenses for the department..... | 5,100 00 | 5,100 00 |
| Stationery and postage..... | 300 00 | 300 00 |
| One typewriter, one bookcase..... | 110 00 | |
| Contingent expenses, telegraphing, telephone, ice and janitor | 212 00 | 212 00 |
| Totals | \$ 13,722 00 | \$ 13,612 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Adjutant General's Department.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Adjutant General..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of Assistant Adjutant General, who shall be chief clerk | 1,800 00 | 1,800 00 |
| Salary of Quartermaster General..... | 1,500 00 | 1,500 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Salary of porter, messenger and armorer..... | 480 00 | 480 00 |
| Stationery, postage, telegraphing and telephoning..... | 1,000 00 | 1,000 00 |
| Ranger force in suppression of lawlessness and crime... | 20,000 00 | 20,000 00 |
| Payment of transportation and subsistence for the Texas National Guard when called into actual serv- ice under the law, and for such other military ex- penses incidental thereto, or so much thereof as may be necessary | 5,000 00 | 5,000 00 |
| For labor in arsenal and storeroom, repair of arms and equipment, laundry and repair of uniforms in store- rooms, transportation of military stores and supplies, transportation and expenses of officers serving on military courts and boards, and transportation and expenses of witnesses appearing before military courts and boards | 2,500 00 | 2,500 00 |
| Payment of transportation and subsistence of Texas National Guard for camps of instruction at Camp Mabry, and all other military expenses..... | 10,000 00 | 10,000 00 |
| Office files, furniture and floor coverings..... | 400 00 | 100 00 |
| Rent and maintenance of armories and purchase of armory equipment | 20,000 00 | 20,000 00 |
| Erection of storehouse at Camp Mabry..... | 20,000 00 | |
| To make the final payment on 63 acres of land adjoin- ing Camp Mabry..... | 3,412 00 | |
| Total | \$ 89,292 00 | \$ 65,580 00 |

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Texas State Board of Health.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of president..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of board and mileage..... | 1,000 00 | 1,000 00 |
| Salary of registrar of vital statistics..... | 1,800 00 | 1,800 00 |
| Salary of chemist and bacteriologist..... | 1,800 00 | 1,800 00 |
| Salary of stenographer and bookkeeper..... | 1,200 00 | 1,200 00 |
| Salary of filing and index and general clerk..... | 900 00 | 900 00 |
| Salary of porter..... | 480 00 | 480 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| Salary of quarantine officer at Galveston when actually engaged in service, at \$200 per month..... | \$ 2,400 00 | \$ 2,400 00 |
| Salary of assistant quarantine officer at Galveston when actually engaged in service..... | 1,500 00 | 1,500 00 |
| Salary of engineer on launch at Galveston, at \$75 per month | 900 00 | 900 00 |
| Salary of disinfecter at Galveston, at \$75 per month.. | 900 00 | 900 00 |
| Salary of two assistant disinfectors at Galveston, at \$720 each | 1,440 00 | 1,440 00 |
| Salary of captain on disinfecting vessel at Galveston, at \$100 per month..... | 1,200 00 | 1,200 00 |
| Salary of engineer on disinfecting vessel at Galveston, at \$100 per month..... | 1,200 00 | 1,200 00 |
| Salaries of two deck hands on disinfecting vessel at Galveston, \$720 each..... | 1,440 00 | 1,440 00 |
| Salary of quarantine officer at Sabine Pass, when actually engaged in service, at \$150 per month..... | 1,800 00 | 1,800 00 |
| Salary of one disinfecter at Sabine Pass, at \$60 per month | 720 00 | 720 00 |
| Salary of one boatman at Sabine Pass, at \$50 per month | 600 00 | 600 00 |
| Salary of engineer at disinfecting plant at Sabine Pass, at \$75 per month..... | 900 00 | 900 00 |
| Salary of quarantine inspector at Brownsville, when actually engaged in service, at \$150 per month for six months | 900 00 | 900 00 |
| Salary of quarantine officer at Aransas Pass, when actually engaged in service, at \$150 per month..... | 1,800 00 | 1,800 00 |
| Salary of boatman at Aransas Pass, when actually engaged in service, at \$50 per month..... | 600 00 | 600 00 |
| Salary of engineer at Aransas Pass..... | 900 00 | 900 00 |
| Salary of quarantine officer at Velasco, when actually engaged in service, at \$100 per month..... | 1,200 00 | 1,200 00 |
| Salary of quarantine officer at Pass Cavallo, when actually engaged in service, at \$50 per month, for six months | 300 00 | 300 00 |
| Salary of boatman at Pass Cavallo, when actually engaged in service, at \$10 per month..... | 120 00 | 120 00 |
| Salary of quarantine officer at El Paso while actually engaged in service, at \$150 per month, for six months | 900 00 | 900 00 |
| Salary of quarantine officer at Eagle Pass, when actually engaged in service, at \$150 per month..... | 900 00 | 900 00 |
| Salary of quarantine officer at Laredo, when actually engaged in service, at \$150 per month, for six months | 900 00 | 900 00 |
| Traveling expenses and office expenses, including telegraphing and telephoning, and maintenance of permanent quarantine station, except for salaries at Galveston, Sabine Pass, Velasco, Pass Cavallo, Brownsville, Eagle Pass and El Paso, for guarding State line at other places against infectious diseases as may become necessary from time to time, and for necessary repairs to State property; also for necessary expenses, equipment and supplies for the hookworm department and for charbon work and the State laboratory each year | 15,000 00 | 15,000 00 |
| Purchase of boat at Sabine Pass..... | 6,000 00 | |
| Purchase of boat at Aransas Pass..... | 6,000 00 | |
| For the purpose of carrying out the provisions of House bill No. 366 as passed by the Thirty-third Legislature, providing for a public health exhibit in rail- | | |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|--|--------------|--------------|
| road car or cars, and carrying on educational campaign for the protection of public health against communicable diseases | \$ 10,000 00 | \$ 10,000 00 |
| Total | \$ 70,200 00 | \$ 58,200 00 |

Provided, that the President of said Board may abolish such positions as are herein set forth, if, in his judgment, the same are not necessary for the protection of the public health, or he may require officers to perform such other work in his department as he may think for the interest of the public health.

Provided, that the President of said Board shall submit to the Governor at the end of each three months an itemized report, showing the manner in which said funds are expended; and said itemized report shall, after approval, be filed with the Comptroller for public inspection.

Provided, that the head of said department keep a record of the absences of the various employees and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record shall be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Game, Fish and Oyster Commission.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915

| | | |
|--|-------------|-------------|
| Salary of Commissioner | \$ 1,800 00 | 1,800 00 |
| Salary of general clerk and stenographer | 1,200 00 | 1,200 00 |
| Salary of first assistant to enforce game laws | 1,200 00 | 1,200 00 |
| Salary of second assistant to enforce game laws | 1,200 00 | 1,200 00 |
| Salary of third assistant to enforce game laws | 1,200 00 | 1,200 00 |
| Office rent, traveling expenses and other expenses of the Commissioner | 600 00 | 600 00 |
| Stationery | 50 00 | 50 00 |
| Purchasing and repairing boats, to be expended in two years | 2,500 00 | |
| Total | \$ 9,750 00 | \$ 7,250 00 |

Provided, that the salary of the chief deputy Game, Fish and Oyster Commissioner, deputy fish and oyster commissioner, and deputy game commissioners, and all necessary expenses of the department, including means of transportation for the Commissioner and deputies and their traveling expenses in the enforcement of the law, furniture for office at Austin, stationery, printing, one adding machine, stamps, etc., to be paid out of the fish and oyster and game funds on designation and approval of the Commissioner.

Provided, the Commissioner may expend not to exceed \$1000 of such funds each year in procuring a museum collection of fish, oysters, animals and birds and their skins and eggs for scientific purposes.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Live Stock Sanitary Commission.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| To pay per diem and expenses of three Commissioners..... | \$ 4,000 00 | \$ 4,000 00 |
| Salary of chief inspector..... | 1,500 00 | 1,500 00 |
| Expenses of chief inspector..... | 600 00 | 600 00 |
| Salaries of thirty inspectors at \$1000 each..... | 30,000 00 | 30,000 00 |
| Expense account of inspectors engaged in tick or scab eradication and charbon work, at \$25 per month.... | 9,000 00 | 9,000 00 |
| Emergency fund for extra help..... | 3,500 00 | 3,500 00 |
| Expense of stationery inspectors, approximating five, at \$10 per month..... | 600 00 | 600 00 |
| Salary of State Veterinarian..... | 1,800 00 | 1,800 00 |
| Expense account of State Veterinarian..... | 700 00 | 700 00 |
| Salary of stenographer and bookkeeper..... | 1,200 00 | 1,200 00 |
| Office rent, stationery, stamps, telegrams and telephone bills and other necessary office expenses..... | 1,000 00 | 1,000 00 |
| Spray pumps and medicine furnished inspectors engaged in tick and scab eradication work..... | 600 00 | 600 00 |
| Total | \$ 54,000 00 | \$ 54,500 00 |

Provided, that the inspectors of the Live Stock Sanitary Commission provided for in this bill shall be exempt from the provisions of Article 1533 of the Revised Criminal Statutes of 1911.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

State Mining Board.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Per diem expense of Board..... | \$ 600 00 | \$ 600 00 |
| Traveling expenses of the Board..... | 1,000 00 | 1,000 00 |
| Maintaining and equipping an office for the use of the State Mining Board and State Mine Inspector..... | 900 00 | 900 00 |
| Salary of State Mine Inspector..... | 2,000 00 | 2,000 00 |
| Traveling expenses of State Mine Inspector..... | 1,000 00 | 1,000 00 |
| For the purchase of oxygen helmet apparatus for instruction and mine rescue work and for the expense of maintenance | 2,000 00 | |
| Total | \$ 7,500 00 | \$ 4,900 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Pure Food Commission.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Commissioner is hereby fixed at..... | \$ 2,500 00 | \$ 2,500 00 |
| Salaries of two chemists..... | 3,600 00 | 3,600 00 |
| Salaries of two inspectors..... | 3,000 00 | 3,000 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Office and laboratory supplies..... | 900 00 | 900 00 |

| | For the Years Ending | |
|-----------------------------------|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Stamps and stationery..... | \$ 300 00 | \$ 300 00 |
| Traveling and other expenses..... | 4,000 00 | 4,000 00 |
| Total | \$ 15,500 00 | \$ 15,500 00 |

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

State Pension Department.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Pension Commissioner..... | \$ 2,000 00 | \$ 2,000 00 |
| Salary of clerk..... | 1,200 00 | 1,200 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Stationery, postage and contingent expenses..... | 2,500 00 | 2,500 00 |
| One typewriter | 100 00 | |
| To pay veterans of Mexican war as provided by Article 6257 of the Revised Statutes of 1911..... | 14,500 00 | 14,500 00 |
| Total | \$ 21,500 00 | \$ 21,400 00 |

For the payment of Confederate pensions, all of the net revenue accruing from the assessment and collection of the tax of five cents on the one hundred dollars, according to the provisions of Chapter 141, Acts of the Regular Session of the Thirty-third Legislature, are hereby appropriated for the payment of pensions under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

Attorney General's Department.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Attorney General..... | \$ 2,000 00 | \$ 2,000 00 |
| And the further sum each year, or so much thereof as may be necessary, to pay such fees as may be prescribed by law..... | 2,000 00 | 2,000 00 |
| Salary of First Assistant, who shall act as Attorney General in the absence of the Attorney General.... | 3,500 00 | 3,500 00 |
| Salary of assistant, who shall assist the Attorney General in enforcing anti-trust laws..... | 3,000 00 | 3,000 00 |
| Salary of the assistant who has charge of all matters pertaining to railroad litigation..... | 3,000 00 | 3,000 00 |
| Salaries of four other assistants who shall perform such duties as may be assigned by the Attorney General, at \$3000 each per year..... | 12,000 00 | 12,000 00 |
| Salary of assistant bond examiner..... | 2,400 00 | 2,400 00 |
| Salary of chief clerk and bookkeeper..... | 1,800 00 | 1,800 00 |
| Salaries of three stenographers; also an additional stenographer, if necessary, not exceeding \$100 per month | 4,800 00 | 4,800 00 |
| Salary of porter..... | 480 00 | 480 00 |
| Furniture, typewriters, postage, telephone service, telegraph services and fixtures for office..... | 1,250 00 | 1,250 00 |

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1913. | Aug. 31, 1915. |
| Law books and periodicals..... | \$ 1,000 00 | \$ 500 00 |
| Actual traveling expenses incurred by the Attorney General and any of his assistants and representatives, in giving attention to the State's business pending elsewhere than in the courts of the city of Austin..... | 1,000 00 | 1,000 00 |
| Cost in civil cases, in which the State of Texas, or any head of a department is a party..... | 1,500 00 | 1,500 00 |
| For the enforcement of the anti-trust, land, corporation and other laws..... | 7,500 00 | 7,500 00 |
| For the necessary expenses in defending cause original No. 13. The State of New Mexico vs. The State of Texas, pending in the Supreme Court of the United States, involving the boundary between the State of New Mexico and the State of Texas, including cost of investigation and all other necessary expenses pertaining to this suit..... | 10,000 00 | |
| Total | \$ 57,230 00 | \$ 46,730 00 |

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as to the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Statutes.

Department of Education.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of State Superintendent..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk..... | 2,000 00 | 2,000 00 |
| Salary of assistant to Superintendent..... | 1,800 00 | 1,800 00 |
| Salary of law and certificate clerk..... | 1,350 00 | 1,350 00 |
| Salary of statistical clerk..... | 1,220 00 | 1,220 00 |
| Salary of auditing and apportionment clerk..... | 1,220 00 | 1,220 00 |
| Salaries of two stenographic, filing and general clerks.. | 2,400 00 | 2,400 00 |
| Salary of mailing and blank room clerk..... | 1,000 00 | 1,000 00 |
| Salaries of two clerks for three months—July, August and September—at \$100 per month each..... | 600 00 | 600 00 |
| Salary of porter..... | 480 00 | 480 00 |
| Actual traveling expenses of State Superintendent or his representative when on official duty..... | 1,000 00 | 1,000 00 |
| Postage, stationery, office furniture, files, binding reports and other books, forms and pamphlets..... | 3,500 00 | 3,500 00 |
| Express, freight, telegraphing and telephoning..... | 2,000 00 | 2,000 00 |
| Contingent expenses | 100 00 | 100 00 |
| Paper, printing and distributing county superintendents' record books, teachers' daily questions, teachers', superintendents' and treasurers' blank reports, census blanks, courses of study, circulars to school officers and teachers and other blank forms for use of teachers and other school officers or for the advancement of the cause of education..... | 9,000 00 | 9,000 00 |
| For continuing State aid to such high schools as have heretofore established departments of agriculture, manual training or domestic economy; provided, that the inspector from the State Department of Educa- | | |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

tion after visiting said high schools finds further State aid advisable and necessary and recommends it; and for establishing, equipping and maintaining such departments in additional high schools in accordance with the provisions of Section 3, Chapter 26, General Laws, Regular Session, Thirty-second Legislature \$100,000 00 \$100,000 00

For support of public free schools for two years all the available free school fund arising from the interest or lease of the school lands, interest on bonds, school taxes and all other sources of revenue to said fund.

Total \$130,170 00 \$130,170 00

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Treasury Department.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|--|--------------|--------------|
| Salary of Treasurer | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk | 2,000 00 | 2,000 00 |
| Salaries of three assistants | 4,500 00 | 4,500 00 |
| Salary of stenographer and general assistant clerk | 1,200 00 | 1,200 00 |
| Salary of night watchman | 800 00 | 800 00 |
| Salary of porter | 480 00 | 480 00 |
| Books, stationery, furniture and postage | 2,300 00 | 1,200 00 |
| Keeping in repair time locks, combination, vaults and office furniture and files | 100 00 | 100 00 |
| Contingent expenses | 300 00 | 300 00 |
| To pay express charges, etc | 50 00 | 50 00 |
| Total | \$ 14,230 00 | \$ 13,130 00 |

To refund to purchasers and to lessees of public domain, public school, University or asylum lands, and to purchasers of timber, or their vendees or assignees, money which has been or which may be paid by them into the State Treasury, or to the Attorney General, if in any of the following instances: (a) Through error made in good faith, to be supported by the official signature of the State Treasurer or of the Attorney General, to whom such payment is made; (b) where the payment is made in accordance with law, but title can not issue or possession can not pass because of conflict in boundaries, erroneous sale, erroneous leases, or other causes; (c) in case of sales of leased lands; (d) where lease money has been paid on previously forfeited sales, the same having been reinstated and all back interest paid; (e) where erroneous timber sales have been made; (f) where overpayments have been made in final payments to State Treasurer; (g) where a reduction

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

has been made in acreage of timber sold or of lands sold or leased; (h) in case of sale of timber which has been previously cut and appropriated without such fact having been reported to the General Land Office prior to such sale; and to pay over to newly organized counties where school lands set apart to such county are under lease at the time of the organization of such county the previously paid but unearned portion of lease money on such lands; all refunds and payments herein provided for to be paid out of the respective funds to which such payments have been made or may be credited, and all claims for refund or payment except those embraced in subdivision (a) hereof to be certified by the certificate of the Commissioner of the General Land Office and also by the certificate of the Attorney General, as the case may be, as to the proper amount, and all such claims to be verified by the affidavit of the claimant and approved by the Attorney General as to the correctness of the claims and to whom due; provided, that the money so paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of land by the purchaser or assignment of the lease by the lessee after payment of such money, so that such refund to be paid to the person upon whom the loss falls in case of failure of the title or right of possession....\$ 25,000 00 \$ 25,000 00

Provided, that the head of said institution keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and said record of such absences shall be incorporated in the report made annually by the head of said institution.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Comptroller's Department.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|--|-------------|-------------|
| Salary of Comptroller..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk..... | 2,000 00 | 2,000 00 |
| Salary of chief bookkeeper..... | 1,800 00 | 1,800 00 |
| Salary of assistant bookkeeper..... | 1,500 00 | 1,500 00 |
| Salary of corresponding clerk..... | 1,200 00 | 1,200 00 |
| Salary of assistant corresponding clerk..... | 1,200 00 | 1,200 00 |
| Salary of one license permit clerk..... | 1,500 00 | 1,500 00 |
| Salaries of two sheriffs' clerks, witnesses' and attorneys' accounts at \$1500 each..... | 3,000 00 | 3,000 00 |
| Salary of assistant sheriffs' clerk, witnesses' and attorneys' accountants..... | 1,200 00 | 1,200 00 |
| Salary of receiving clerk, who shall perform the duties of first assistant clerk to the Comptroller..... | 1,350 00 | 1,350 00 |
| Salary of clerk for registering county and city bonds.. | 1,500 00 | 1,500 00 |
| Salary of general warrant clerk..... | 1,500 00 | 1,500 00 |
| Salary of assistant warrant clerk..... | 1,200 00 | 1,200 00 |
| Salary of school and special warrant clerk..... | 1,500 00 | 1,500 00 |
| Salary of bookkeeper in warrant department..... | 1,500 00 | 1,500 00 |
| Salary of chief tax clerk..... | 1,500 00 | 1,500 00 |
| Salary of assistant tax clerk..... | 1,200 00 | 1,200 00 |

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of assistant special tax clerk..... | \$ 1,200 00 | \$ 1,200 00 |
| Salary of redemption clerk..... | 1,500 00 | 1,500 00 |
| Salaries of three assistant redemption clerks at \$1200 each | 3,600 00 | 3,600 00 |
| Salary of examining clerk..... | 1,350 00 | 1,350 00 |
| Salary of assistant examining clerk..... | 1,200 00 | 1,200 00 |
| Salary of auditing clerk..... | 1,500 00 | 1,500 00 |
| Salaries of two assistant auditing clerks..... | 2,400 00 | 2,400 00 |
| Salary of pension clerk..... | 1,500 00 | 1,500 00 |
| Salary of two assistant pension clerks at \$1200 each.. | 2,400 00 | 2,400 00 |
| Salary of deposit warrant and register clerk..... | 1,200 00 | 1,200 00 |
| Salary of general warrant and register clerk..... | 1,200 00 | 1,200 00 |
| Salary of cancellation and erroneous assessments clerk | 1,200 00 | 1,200 00 |
| Salary of stenographer, who shall perform such other duties as may be required by the Comptroller..... | 1,200 00 | 1,200 00 |
| Salary of unorganized county tax clerk..... | 1,200 00 | 1,200 00 |
| Salary of mailing and file clerk..... | 1,200 00 | 1,200 00 |
| Salary of assistant mailing and file clerk..... | 1,200 00 | 1,200 00 |
| Salary of messenger and file clerk..... | 900 00 | 900 00 |
| Salaries of two porters, at \$480 each..... | 960 00 | 960 00 |
| For cleaning up basement under Comptroller's Department, indexing records and books; purchasing file cases, etc..... | 2,500 00 | 2,500 00 |
| To purchase two adding machines..... | 1,000 00 | |
| Letter-addressing machine | 500 00 | |
| Steel filing cases for Redemption Department..... | 3,000 00 | |
| Postage, telegraphing, express, office furniture and floor covering | 7,500 00 | 7,500 00 |
| Contingent expenses | 250 00 | 250 00 |
| Books and stationery..... | 1,500 00 | 1,500 00 |
| Traveling expenses for Comptroller or his representatives, when necessary to check up tax collectors' accounts, or official business..... | 500 00 | 500 00 |
| For enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17 of the Acts of the First Called Session of the Thirty-first Legislature; also for enforcing the provisions of Chapters 67 and 75 of the General Laws of the Thirty-third Legislature passed at its Regular Session, convened on January 14, 1913, adjourned on April 1, 1913, and all other laws regulating the sale of intoxicating liquors. The Governor, Attorney General and Comptroller shall employ secret service men such as may be necessary, to be paid out of the appropriation herein made, whose duties shall be to ferret out all violations of the foregoing laws. Any two of the above named officials, to-wit, the Governor, Attorney General and Comptroller, may act, but the secret service men shall be under the control of the Comptroller. \$25,000, or so much thereof as may be necessary, and same shall be spent in two years, beginning September 1, 1913, and ending August 31, 1915. Provided, \$10,000 of the said amount shall be for enforcing the provisions of Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, of the Acts of the First Called Session of the Thirty-first Legislature, and the remainder for the purposes herein specified..... | 25,000 00 | |
| Total | \$ 95,810 00 | \$ 86,310 00 |

Provided, that the head of said department keep a record of absences of the various employes and the reason therefor, whether from sickness, vacation or on

leave of absence, and that the record of such absence be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

General Land Office.

| | For the Years Ending | |
|---|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Commissioner..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk..... | 2,000 00 | 2,000 00 |
| Salary of legal examiner..... | 1,500 00 | 1,500 00 |
| Salary of receiver..... | 1,500 00 | 1,500 00 |
| Salary of Spanish translator..... | 1,400 00 | 1,400 00 |
| Salary of old title and deposition clerk..... | 1,500 00 | 1,500 00 |
| Salary of head transcript clerk..... | 1,300 00 | 1,300 00 |
| Salary of two assistant transcript clerks at \$1200 each..... | 2,400 00 | 2,400 00 |
| Salary of two patent clerks at \$1200 each..... | 2,400 00 | 2,400 00 |
| Salary of head transfer clerk..... | 1,400 00 | 1,400 00 |
| Salary of assistant transfer clerk..... | 1,200 00 | 1,200 00 |
| Salary of custodian of files and file room clerk..... | 1,200 00 | 1,200 00 |
| Salary of letter registry clerk..... | 1,200 00 | 1,200 00 |
| Salary of letter index clerk..... | 1,200 00 | 1,200 00 |
| Salary of compiling abstract clerk..... | 1,500 00 | 1,500 00 |
| Salaries of seven corresponding clerks at \$1200 each.... | 8,400 00 | 8,400 00 |
| Salary of night watchman..... | 600 00 | 600 00 |
| Salary of janitor..... | 750 00 | 750 00 |
| School Land Division— | | |
| Salary of chief clerk..... | \$ 1,500 00 | \$ 1,500 00 |
| Salary of head sales clerk..... | 1,350 00 | 1,350 00 |
| Salary of award clerk..... | 1,200 00 | 1,200 00 |
| Accounting Division— | | |
| Salary of cashier..... | \$ 1,600 00 | \$ 1,600 00 |
| Salary of remittance listing clerk..... | 1,300 00 | 1,300 00 |
| Salary of four bookkeepers, at \$1500 each..... | 6,000 00 | 6,000 00 |
| Drafting Division— | | |
| Salary of chief draftsman..... | \$ 1,600 00 | \$ 1,600 00 |
| Salary of five compiling draftsmen, at \$1400 each..... | 7,000 00 | 7,000 00 |
| Salary of six assistant draftsmen, at \$1200 each..... | 7,200 00 | 7,200 00 |
| Miscellaneous Items— | | |
| Postage, stationery, books and express..... | \$ 4,000 00 | \$ 4,000 00 |
| Vellum, blue print paper and drafting supplies..... | 1,250 00 | 1,250 00 |
| Furniture, fixtures and repairs of same..... | 250 00 | 250 00 |
| Wood, water and ice..... | 400 00 | 400 00 |
| Telephone, telegraphing, towels and laundry of towels.. | 150 00 | 150 00 |
| Traveling expenses of Commissioner..... | 750 00 | 750 00 |
| Contingent expenses | 250 00 | 250 00 |
| Repair of building, to be expended in two years..... | 5,000 00 | |
| Total | \$ 74,000 00 | \$ 69,000 00 |

Provided, that it shall be the duty of the Commissioner of the General Land Office to change any employe of his office to any desk or place when necessary to keep all employed.

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Railroad Commission.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salaries of three Commissioners..... | \$ 12,000 00 | \$ 12,000 00 |
| Salary of secretary..... | 1,800 00 | 1,800 00 |
| Salary of one expert rate clerk..... | 2,700 00 | 2,700 00 |
| Salary of one assistant expert rate clerk..... | 2,500 00 | 2,500 00 |
| Salary of rate clerk..... | 1,500 00 | 1,500 00 |
| Salary of one assistant expert accountant and rate clerk..... | 1,800 00 | 1,800 00 |
| Salary of one chief expert accountant..... | 2,700 00 | 2,700 00 |
| Salary of one chief civil engineer..... | 3,000 00 | 3,000 00 |
| Salaries of two additional experts at \$2400 each..... | 4,800 00 | 4,800 00 |
| Salaries of two general clerks at \$1200 each..... | 2,400 00 | 2,400 00 |
| Salary of porter..... | 480 00 | 480 00 |
| For contingent expenses, sheriffs' fees, transportation of Commissioners and clerks, furniture, fixtures and files, postage, stationery, books, telegraph, telephone and express charges, for printing blanks, maps, pamphlets, rulings, tariffs and for other necessary expenses..... | 7,500 00 | 7,500 00 |
| Salaries of two assistant experts at \$1500 each..... | 3,000 00 | 3,000 00 |
| Total | \$ 46,180 00 | \$ 46,180 00 |

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that said record be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Department of Agriculture.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Salary of Commissioner..... | \$ 2,500 00 | \$ 2,500 00 |
| Salary of chief clerk..... | 1,500 00 | 1,500 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Salary of porter..... | 480 00 | 480 00 |
| Furniture | 100 00 | 100 00 |
| Floor coverings | 270 00 | |
| Stationery, postage, express and telegraphing, or so much thereof as may be necessary..... | 3,000 00 | 3,000 00 |
| Telephone rent | 48 00 | 48 00 |
| Traveling expenses of Commissioner and chief clerk... | 1,000 00 | 1,000 00 |
| Collecting, compiling and disseminating agricultural information | 20,000 00 | 20,000 00 |
| Enforcing nursery and orchard inspection law..... | 7,500 00 | 7,500 00 |
| Contingent expenses | 100 00 | 100 00 |
| Conducting farmers' institute work..... | 25,000 00 | 25,000 00 |
| Poultry experiments in feeding and breeding, eradication of diseases and parasites; inspection and further advancing farm poultry interests..... | 1,000 00 | 1,000 00 |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|--------------|--------------|
| For collecting, tabulating and systematizing information in regard to the best methods and plans for marketing farm products, and for disseminating such information through bulletins, circular letters, press announcements, reports and other approved public agencies, to be expended under the supervision of the Department of Agriculture, and to be expended in two years | \$ 15,000 00 | |
| For the purpose of aiding experiment stations in collecting, maintaining, transporting and exhibiting farm products at the National Corn Show, to be held at Dallas, Texas | 10,000 00 | |
| Total | \$ 88,698 00 | \$ 63,428 00 |

Provided, that the head of said department keep a record of the absences of the various employes and the reasons therefor, whether from sickness, vacation or on leave of absence, and that the record of such absences be incorporated in the report made annually by the head of said department.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Board of Water Engineers.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|--|--------------|--------------|
| Salaries of three members of Board at \$3600 each..... | \$ 10,800 00 | \$ 10,800 00 |
| Salary of secretary..... | 2,000 00 | 2,000 00 |
| Salary of stenographer..... | 1,200 00 | 1,200 00 |
| Furniture, stationery, supplies, etc..... | 1,000 00 | 1,000 00 |
| Traveling expenses of members and employes..... | 5,000 00 | 5,000 00 |
| Contingent expenses | 200 00 | 200 00 |
| Total | \$ 20,200 00 | \$ 20,200 00 |

Provided, that any additional field or office assistant or expenses which may be necessary because of the provisions of the act creating the Board of Water Engineers, not covered by the provisions herein specified, may be allowed by the Governor upon proper application, sworn to by the chairman of the Board of Water Engineers, such additional expenses to be paid out of the fees to be collected by the Board of Water Engineers under the provisions of said act.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

State Levee and Drainage Board.

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

| | | |
|---|-------------|-------------|
| For salary State Reclamation Engineer..... | \$ 3,600 00 | \$ 3,600 00 |
| For the purpose of carrying out the primary object of the work, as stated in said Chapter 145, General Laws of 1913, towit: to make the necessary investigations, examinations, measurements, computations, | | |

For the Years Ending
Aug. 31, 1914. Aug. 31, 1915.

estimates, surveys, maps, reports, and publications, and doing any other necessary work incident thereto which may be required in the process of designing, planning or marking out on the ground the most effective, practical, permanent, economical, feasible and equitable improvements or system of improvements, such as levees, dykes, dams, canals, drains, waterways, or reservoirs, or any or all of them, and other improvements incidental thereto; and for the employment of such assistants and the making of such purchases as may be necessary to further carry out the provisions of said Chapter 145, General Laws of 1913; for the two fiscal years ending August 31, 1915

\$ 44,800 00

Total \$ 48,400 00 \$ 3,600 00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Provided, the Governor, Attorney General and State Comptroller, are hereby authorized to pass upon the value of the portrait of Hon. John H. Reagan, now adorning the walls of the Senate Chamber, and an appropriation is hereby made out of any money in the State Treasury, not otherwise appropriated, equal to the value of said portrait, as ascertained by the said Governor, Attorney General and State Comptroller, or a majority thereof, for the purpose of purchasing said portrait.

Sec. 2. The near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Recapitulation.

| | For the Years Ending | |
|--|----------------------|----------------|
| | Aug. 31, 1914. | Aug. 31, 1915. |
| Executive Office | \$ 27,716 00 | \$ 25,916 00 |
| Mansion and grounds | 15,000 00 | 3,000 00 |
| Department of State | 24,350 00 | 24,150 00 |
| State Revenue Agent | 5,000 00 | 4,800 00 |
| Public Buildings and Grounds | 78,550 00 | 57,050 00 |
| Inspector of Masonry, etc | 9,650 00 | 9,850 00 |
| Insurance and Banking | 135,776 00 | 232,526 00 |
| Texas Library Commission | 18,768 00 | 16,518 00 |
| State Tax Board | 4,472 00 | 4,252 00 |
| State Purchasing Agent | 7,135 00 | 6,765 00 |
| Public Printing | 42,650 00 | 42,650 00 |
| Labor Bureau | 13,722 00 | 13,612 00 |
| Adjutant General's Department | 89,292 00 | 65,580 00 |
| State Board of Health | 70,200 00 | 58,200 00 |
| Game, Fish and Oyster Commission | 9,750 00 | 7,250 00 |
| Live Stock Commission | 54,500 00 | 54,500 00 |
| State Mining Board | 7,500 00 | 4,900 00 |
| Board of Water Engineers | 21,000 00 | 20,500 00 |
| Pure Food Commission | 15,500 00 | 15,500 00 |
| State Pension Department | 21,500 00 | 21,400 00 |
| Attorney General's Department | 57,230 00 | 46,730 00 |
| Department of Education | 130,170 00 | 130,170 00 |

| | For the Years Ending | |
|---------------------------------|----------------------|----------------|
| | Aug. 31, 1913. | Aug. 31, 1915. |
| Treasury Department | \$ 14,230 00 | \$ 13,130 00 |
| Comptroller's Department | 95,810 00 | 66,310 00 |
| General Land Office | 74,000 00 | 69,000 00 |
| Railroad Commission | 46,180 00 | 46,180 00 |
| Department of Agriculture | 88,698 00 | 63,428 00 |
| Board of Water Engineers | 20,200 00 | 20,200 00 |
| Levee and Drainage Board | 48,400 00 | 3,600 00 |
| Total | \$1,246,949 00 | \$1,147,467 00 |

The above report was read and adopted by the following vote:

Yeas—30.

| | | | |
|--------------------|-----------|------------|------------|
| Astin. | Cowell. | Lattimore. | Townsend. |
| Bailey of De Witt. | Darwin. | McNealus. | Warren. |
| Bailey of Harris. | Gibson. | Morrow. | Watson. |
| Brelsford. | Greer. | Nugent. | Westbrook. |
| Carter. | Hall. | Oliver. | Wiley. |
| Clark. | Harley. | Real. | Willacy. |
| Collins. | Hudspeth. | Taylor. | |
| Conner. | Johnson. | Terrell. | |

Absent.

McGregor.

HOUSE CONCURRENT RESOLUTION NO. 12.

The Chair laid before the Senate, which was read, House Concurrent Resolution No. 12, submitting to the qualified voters of Texas, the question of calling a constitutional convention.

Senator Lattimore moved that the resolution be adopted.

Senator Watson made the point of order that the resolution was of such character that it would have to be signed by the Governor, being under the rules governing the consideration of bills, etc., and should be referred to a committee; also that the subject matter contained in same had not been submitted to the Legislature by the Governor.

Pending discussion, Senator Lattimore asked that the resolution lay on the table subject to call.

| | |
|-----------|----------|
| Hall. | Terrell. |
| Harley. | Watson. |
| Hudspeth. | Willacy. |
| Oliver. | |

Nays—18.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Carter. | Morrow. |
| Collins. | Nugent. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Johnson. | Wiley. |

Present—Not Voting.

McNealus.

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

HOUSE BILL NO. 35.

(Pending Business.)

Action occurred on the pending business, the question being on the pending amendment by Senator Watson.

The amendment was read second time and lost by the following vote:

Yeas—11.

| | |
|--------------------|-------------------|
| Astin. | Bailey of Harris. |
| Bailey of De Witt. | Clark. |

| | |
|-------------------|------------|
| Astin. | Harley. |
| Bailey of DeWitt. | Hudspeth. |
| Bailey of Harris. | Johnson. |
| Brelsford. | Lattimore. |
| Carter. | McNealus. |
| Clark. | Morrow. |
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| Gibson. | Terrell. |
| Greer. | Townsend. |
| Hall. | Warren. |

Watson.
Westbrook.

Wiley.
Willacy.

Absent.

McGregor.

Senator Townsend moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 44.

(Pending Business.)

Action recurred on the pending business, House bill No. 44, the question being on the amendment by Senators Darwin and Willacy.

The amendment was adopted by the following vote:

Yeas—16.

| | |
|----------|------------|
| Carter. | Nugent. |
| Clark. | Oliver. |
| Conner. | Real. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Johnson. | Wiley. |
| Morrow. | Willacy. |

Nays—11.

| | |
|--------------------|------------|
| Astin. | Lattimore. |
| Bailey of De Witt. | McNealus. |
| Bailey of Harris. | Taylor. |
| Brelsford. | Terrell. |
| Collins. | Townsend. |
| Cowell. | |

Present—Not Voting.

| | |
|-------|---------|
| Hall. | Harley. |
|-------|---------|

Absent.

| | |
|-----------|-----------|
| Hudspeth. | McGregor. |
|-----------|-----------|

Senator Lattimore offered the following amendment, which was read and adopted:

Amend the bill in next to the last line of Section 13, between the word "being" and "in," by inserting the word "subject."

Senator Darwin offered the following amendment, which was read and adopted:

Amend the caption, line 29, by striking out all after the word "business" down to and including the word "duties" in line 31.

Senator Darwin moved to reconsider the vote by which the amendment was

adopted and lay that motion on the table.

The motion to table prevailed.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|-------------------|------------|
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Harley. | Westbrook. |
| Hudspeth. | Wiley. |
| Lattimore. | Willacy. |

Present—Not Voting.

Astin.

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | Johnson. |
| Hall. | McGregor. |

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of Harris. | Morrow. |
| Brelsford. | Nugent. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Gibson. | Watson. |
| Greer. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Present—Not Voting.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McNealus. |
|--------------------|-----------|

Absent.

| | |
|-------|-----------|
| Hall. | McGregor. |
|-------|-----------|

Senator Lattimore moved to reconsider the vote by which the bill was passed and lay that motion on the table. The motion to table prevailed.

SENATE BILL NO. 56.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading.

Senate bill No. 56. A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas; and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote,

Yeas—30.

| | |
|-------------------|------------|
| Astin. | Johnson. |
| Bailey of DeWitt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

McGregor.

The bill was read third time and passed by the following vote:

Yeas—30.

| | |
|--------------------|------------|
| Astin. | Johnson. |
| Bailey of De Witt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |

Absent.

McGregor.

Senator Real moved to reconsider the

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION NO. 12.

Senator Lattimore called up from the President's table, House Concurrent Resolution No. 12.

Senator Watson renewed his point of order (see former proceedings for point of order).

The Chair overruled the point of order and asked that the following ruling from the Attorney General's Department be printed as a part of his reasons for same:

August 18, 1913.

Hon. R. B. Humphreys, House of Representatives, Capitol.

Dear Sir: Attached to your communication of August 16 is a copy of a concurrent resolution introduced in the House of Representatives by yourself, Mr. Fuller and Mr. McDaniel, which resolution is substantially as follows:

"House Concurrent Resolution No. —

Be it resolved by the House of Representatives, the Senate concurring:

"First—That the question of calling a convention to write a new Constitution for the State of Texas be submitted to the qualified voters of the State at a general election to be held on the first Tuesday after the first Monday in November, A. D., 1914.

"Second—That the official ballot used in said election shall contain the words 'For a Constitutional Convention,' and the words 'Against a Constitutional Convention.' The voter favoring the calling of said convention shall draw a line through the words 'Against a Constitutional Convention,' and the voter opposed to the calling of said Convention shall draw a line through the words 'For a Constitutional Convention.' The Secretary of State is directed to include the words 'For a Constitutional Convention' and the words 'Against a Constitutional Convention' as a part of the official ballot furnished to election officers of the various counties as provided in the general election laws.

"Third—That the return of said election be made in the manner provided for making of returns of elections on proposed amendments to the Constitution.

"Fourth—That if a majority of the

votes cast on said subject in said election be in favor of calling said Convention, then the Thirty-fourth Legislature shall enact a law or laws providing for the holding of said Convention, the election of delegates thereto, the drafting of a proposed new Constitution and submission of the same to the people for their ratification or rejection, during the year 1915."

You desire to know whether or not the House has authority under the Constitution to pass this resolution at the present Special Session of the Legislature. The proposed resolution is not one, which within itself calls a Constitutional Convention, but is one which permits the voters to vote upon the question as to whether or not the Thirty-fourth Legislature shall enact law or laws providing for the calling and holding of a Constitutional Convention during the year 1915. The interrogatory propounded by you involves two questions:

First—Has the Legislature the right to submit the issue involved in the Resolution?

Second—And if it has such right, then may it exercise this right at a Special Session of the Legislature to which the Governor has not submitted the subject involved in the resolution.

We will discuss these two questions in their order.

The general rule is, that Article 3, Section 1, of the Constitution, which provides that the legislative power of the State shall be vested in a Senate and House of Representatives, which together shall be held to be the Legislature of the State of Texas, vests in the Legislature all legislative power which the people possess, unless limited by some other provision of the Constitution; in other words, that all the power which may properly be exercised in the formation of laws is to be exercised by the Legislature and that except in the particulars wherein this power is restrained by the Constitution of the United States, or of the State, the Legislature may enact any kind of law, or propose and pass any character of legislation.

Brown vs. Galveston, 97 Texas, 1.

Ex parte Allison, 99 Texas, 455.

Cooley's Constitutional Limitations, 6th Ed., 200.

Conley vs. Daughters of Republic, 156 S. W., —

8 Cyc., 806.

The Constitution of the State neither directly nor indirectly prohibits the submission of such a question as is here

involved, to be voted upon by the people; in fact, so far as the Constitution is concerned, there is no provision in that instrument for calling a Constitutional Convention by the Legislature or by any other authority, nor is there any provision made in that instrument for submitting the question to the people as to whether or not such character of convention should be called, by the authority to call such convention or to submit the question here at issue is not inhibited by the Constitution, and may therefore be exercised by the legislative body upon proper occasion.

This position is well supported by the authorities:

Cooley's Constitutional Limitations, 42.

6 Encyclopedia of Law, 902.

Jamison on Constitutional Conventions, Sections 123, 372, 375, 530.

Wells vs. Bain, 15 Am. Rep., 563.

The Encyclopedia of Law thus lays down the general rule:

"The proposal of amendments to the Constitution is not a power inherent in the legislative department, but must be conferred by special grant of the Constitution, and in the absence of such provision the Legislature has no capacity thus to initiate amendments."

6 Encyclopedia of Law, 902.

Continuing, however, this eminent authority says:

"On the other hand long established usage has settled the principle that a general grant of legislative power carries with it the authority to call conventions for the amendment or revision of the Constitution."

Jamison on Constitutional Conventions states the rule as follows:

"There remains the question whether, when a constitution contains no provision for amendments at all, either or both modes we have been considering may be pursued as to a convention if there be no express prohibition. The answer may be unhesitatingly given that the General Assembly may call a convention. All our State Constitutions make to the General Assemblies a general grant of legislative power, which is admitted to extend to all subjects of ordinary legislation which are not prohibited by their own, or by the Federal Constitution. By a long established usage in most of the States, and in some of them in repeated instances those bodies have called conventions under the circumstances stated as a branch of their legislative power; and as we have before observed, were there doubts as to the constitutionality of such ac-

tion frequent exercise of the power and uniform long acquiescence of the people in it constitute a fundamental law as binding as though it had been formulated in the Constitution."—Jamison on "Constitutional Conventions," Sec. 574h.

It will be recalled also that in this State the Constitutional Convention of 1875 was called by a joint resolution of the Legislature passed on March 13, 1875, so that on the question of the right of the Legislature to call a Constitutional Convention, this State has followed the general rule laid down by Mr. Jamison's work and other authorities cited. Of course, the question of the authority of the Legislature to call a convention is not the exact question now under discussion, the exact question being whether or not the Legislature has the authority, by the character of resolution referred to, to ask the advice or instructions of the people at large on the questions as to whether or not the Thirty-fourth Legislature shall call a Constitutional Convention. It was long ago decided by that eminent authority, Chancellor Kent, that such was the proper and orderly proceeding. In 1820, the Legislature of New York, by an act in proper form, called a Constitutional Convention for that State. The question as to the right of the Legislature to do this was submitted to the Counsel of Revision, which at the time was composed of Chancellor Kent and other eminent lawyers. The Counsel of Revision, in passing upon the question, among other things, said:

"The Counsel, therefore, thinks it the most wise and safe course and most accordant with the performance of great trusts that the question of a general revision of the State Constitution should be submitted to the people in the first instance to determine whether a convention ought to be convened. The declared sense of the American people throughout the United States on this very point can not but be received with great respect and reverence; and it appears to be the almost universal will expressed in their constitutional charters that conventions to alter the constitution shall not be called at the instance of the Legislature without the previous sanction of the people by whom these constitutions were ordained."—Jamison on "Constitutional Conventions," 669-670.

It would be difficult to cite an authority on any question more entitled to the respect of this Legislature and of the courts of the country than the one just referred to, which opinion was writ-

ten by Chancellor Kent. This method of proceeding was reviewed at some length and upheld in the case of *Wells vs. Baine*, 15 Am. Rep. 570, et seq. It is all very true that the answer to the question propounded in this resolution would not have the effect within itself of calling a Constitutional Convention. It is not even a mandate further than the moral force contained in an express desire of the people by resolution, and as our constitution contains no provision inhibiting the right of the people to express their desire in this way, nor inhibiting the right of the Legislature to call for such expression, we have concluded that the Legislature has generally the power to submit the character of question submitted by this resolution. *Wells vs. Baine*, 15 Am. Rep., 575.

This matter of submitting the question to the people is one recognized and approved by Mr. Jamison, who is the leading authority on the subject now under consideration. See Jamison on "Constitutional Conventions," Sec. 534.

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Having determined that the Legislature has the general authority to pass the resolution under consideration, it remains then to consider whether or not it has such authority at a special session of the Legislature where the particular subject has not been submitted to the Legislature for its consideration. The answer to this question involves a construction of Section 40 of Article 3, which reads as follows:

"When the Legislature shall be convened in Special Session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days."

The direct question then at issue is, whether or not the word "legislation," as used in this section, refers to the resolution of the kind and character before the House.

It is well settled that the question of amending the Constitution may be submitted by resolution, and that such a question is not one subject to the ordinary restrictive rules provided in the Constitution governing ordinary legislation. It has been repeatedly held that it is not necessary that the legislative will that the Constitution should be amended should assume the form of an ordinary law and be submitted to the executive for approval.

State vs. Dahl, 6 N. Dakota Reps., 83;

Hollingsworth vs. Va., 3 Dall. 378 (U. S.);

Warfield vs. Vandiver, 101 Md., 78; American & English Annotated Cases, V. 4, 694 et seq.;

Jamison, "Constitutional Conventions," Secs. 549, 574e and 574h;

Oakland Paving Co. vs. Hilton, 69 Cal. 514;

Hatch vs. Stoneman, 66 Cal., 632;

In re Senate File 31, 25 Neb., 864.

It has been decided that it is not essential to the validity of a proposed constitutional amendment that it should receive the executive approval and that any attempt of the Governor of the State to veto a resolution submitting a constitutional amendment is void and of no effect (6 Encyc. of Law, 906.)

State vs. Mason, 43 La. Ann., 649.

Koehler vs. Hill, 60 Iowa, 543.

Jamison's Constitutional Conventions. Secs. 566, 562.

It has also been decided that a constitutional amendment need not be limited to a single subject nor is it necessary that the subject should be expressed in its title. Indeed, no title is necessary and if such title or caption is inserted it may be disregarded, nor is it necessary that a proposed amendment should be, like a bill, read on three different days in each House. (6 Encyc. of Law, 906.)

Nesbitt vs. People, 19 Col., 441.

Hays vs. Hays, 47 Pac. Rep., 732.

Julius vs. Callahan, 63 Minn., 554.

In re Senate File No. 31, 25 Neb., 864.

Edwards vs. LeSeur, 132 Mo., 410.

In other words the proposal of an amendment to the Constitution is not subject to any of the rules of ordinary legislation. In the first place it may be done as it has always been done in this State by joint or concurrent resolution. In the second place it is not necessary that such resolution shall have a caption. In the third place it is not necessary that it shall have an enacting clause. In the fourth place it is not necessary that it shall be read on three several days in each House. In the fifth place it is not necessary that it shall receive the executive approval. These questions have all been decided by reputable authorities, some of which have been collated in the Encyc. of Law and many others of which may be found in an opinion of this Department, dated May 17, 1913, and addressed to Hon. W. P. Lane, Comptroller of Public Accounts, it being Opinion No. 738, and but for the short space of time which we have to prepare this opinion, we would quote so

much of it as is applicable, but we make reference to it as the authorities are quoted fully in this opinion upon certain questions involved here.

However, Encyc. of Law briefly and succinctly states the rule as follows:

"The proposal by the Legislature of an amendment to the Constitution is not the exercise of ordinary legislative functions and it is not subject to the constitutional provision regulating the introduction and passage of ordinary legislative enactments. (6 Encyc. of Law, 906.)"

The Constitution of this State lays down several essentials which are necessary in the enactment of a law and in the passage of all resolutions to which the concurrence of both Houses may be necessary. Among others it states that all resolutions to which the concurrence of both Houses may be necessary must be submitted to the Governor for his approval or disapproval; however, this Department following all the American authorities, beginning with the opinion of the Supreme Court of the United States in the case of Hollingsworth vs. Virginia, 3 Dall., (U. S.) 381, clear on down has held that a resolution proposing an amendment to the Constitution need not be submitted to the Governor for approval and that he has no jurisdiction over the same. This holding is in the face of the express provision of the Constitution, but the authorities have all been based upon the principle that the submission of a constitutional amendment is not one of ordinary legislation and that, therefore, the requirement of the constitution governing ordinary legislation does not govern the submission of constitutional amendments. The calling of a constitutional convention, or submitting the question as is done in this resolution is not ordinary legislation because no provision whatever is made for it in the Constitution, and, therefore, the various provisions of the Constitution made to govern ordinary legislation can not be made to apply, because the Legislature is limited only by the express provisions of the Constitution, and where the Constitution has provided no method of procedure, then it is left to the Legislature to follow its own method of procedure. It has been held by eminent authority that a proposal to amend the Constitution of a State is not ordinary legislation.

Warfield vs. Vandiver, 4 Am. and Eng. Ann. Cases, 694.

The rule in this State is that a Special Session of the Legislature has all

the power it has at a Regular Session, except that which is inhibited by the constitution. This rule is but a corollary of the general rule stated in the beginning of this opinion and follows from the principles laid down in the authorities cited. However, it has been the express holding of one of the courts of highest authority in this State that the rule as stated above is a correct statement of the law. In the case of *Ex Parte Wolters*, Judge Harper, among other things, said:

"The Legislature at a Special Session has all the power it has at a Regular Session except that which is inhibited by the Constitution. Section 5 of Article 3 of the Constitution provides that the Legislature shall meet every two years and at other times when convened by the Governor. If this was all there would be no limitation on their authority at a Special Session which would not also apply to a Regular Session. However, in Section 40 of the same Article is provided there 'shall be no "LEGISLATION" upon subjects other than those designated by the Governor.' This is the sole limitation upon their power at a Special Session, and as shown in the *Gray* case, this word has a well defined meaning in law—THE PASSAGE OF LAWS, THE REPEAL OF LAWS, OR THE AMENDMENT OF LAWS."

144 S. W., 538.

The views expressed in the opinion just quoted concerning this particular subject was concurred in by Judge Prendergast of the same court. In passing upon the *Gray* case, which was a companion case of the *Wolters* case, Judge Harper, among other things, said:

"Section 40, Article 3, provides that there shall be no legislation upon subjects other than those designated by the Governor in his proclamation. If the powers granted the committee come within the meaning of the word "Legislation," then it was prohibited at a special session, and would also be in violation of Article 3 of Section 1, which vests the legislative power in the Senate and House of Representatives jointly. The legal definition of the word 'legislation' in Bouvier's Law Dictionary is 'the act of giving or enacting laws—the authority conferred by or exercised under the Constitution of a State or of the United States to make new laws or to alter or repeal existing ones.' In *Words and Phrases*, Vol. 5, 4086, it is said: 'Wharton in his lexicon defines "legislation" as follows: "The act of giving or enacting laws—the power to make laws."' The definition of Bouvier

is adopted in *Am. and Eng. Ency. of Law*, Vol. 2 (2 Ed.), 822, and adds to it 'To legislate is to give, pass or enact law or laws,' citing authorities under notes 1, 2 and 3. In *Cyc.*, Vol. 25, 180, it is said the word 'legislate' means to make laws, citing *Abbott's Law Dictionary*, and the definition of the word 'legislation' is given as the 'act of giving or enactment of laws,' citing authorities to be found on that page. In the dictionaries the word is defined: 'Legislate—to make or enact a law or laws. Legislation—act of Legislature; act of making or passing a law or laws; the enactment of laws; laws or statutes enacted.' We do not think that the appointment of a committee to gather information and make recommendations in regard to amending, enacting, or repealing laws is 'legislation,' within the meaning of the word as used in our Constitution." (*Ex Parte Gray* and *Wolters*, 144 S. W., 574.)

It is apparent from this authority and those cited and others which we might cite that there are many subjects which a legislature can consider at a Special Session which are not legislation or legislation in the ordinary sense of the term, which is the sense in which the word is used in the Constitution, and that as to these subjects it is not necessary for the Governor to submit the same in order to give the Legislature jurisdiction or right to consider the same. Legislation in the ordinary sense of the term, and evidently the sense in which it was used in the Constitution, means the enactment, amendment or repeals of laws, and it is as to these that the Legislature must have the subject submitted by the Governor before the legislative body has jurisdiction of the matter. But as to the question involved here of the right of the Legislature to take the advice of the people on the issue of calling a Constitutional Convention, the Governor nor any other authority has any right to interfere with the legislative will, nor has the Governor nor any other authority the right to make this interference by failing to submit the question or by vetoing a resolution calling for such advice after its submission or after its passage by the Legislature. However, objection has been made to this particular resolution that the resolution does amount to the passage of a law or the amendment of existing laws because it prescribes the manner and method of voting upon the question. In the first place, it describes what shall be on the official ballot and how the voters shall vote, prescribes certain du-

ties of the election officers, etc. The proposition is made that because of these provisions of the resolution that therefore it is necessarily an act of legislation within the purview of the constitutional provision inhibiting the same because not submitted to the Legislature by the Governor. This position is untenable. The general rule is that when the Constitution grants to any Department of Government the right to exercise power, the grant carries with it the implied authority to do any and all things necessary for the complete and full exercise of the power. It would be a manifest absurdity to say that the Constitution of this State permits the Legislature to submit a question such as that defined in the resolution and yet should deny to the Legislature the right to provide the agencies by which the question should be submitted and the issue determined.

6 Encyc. of Law, 1009.

The rule, stated from a consensus of the authorities, is as follows:

"It is a general rule that when a Constitution confers a power or enjoins a duty it also confers by implication any incidental power necessary for the exercise of the one or the performance of the other."

6 Encyc. of Law, 928;

Storey on the Constitution, Sec. 424;

Cooley's Constitutional Limitations, 78.

The rule is thus stated by Judge Cooley:

"The implications from the provisions of the Constitution are sometimes exceedingly important and have large influence upon its construction. In regard to the Constitution of the United States the rule has been laid down that where a general power is conferred or duty enjoined, every particular power necessary to the exercise of the one or the performance of the other is also conferred. * * * That other powers than those expressly granted may be and often are inferred by implication is too well settled to be doubted. Under every constitution the doctrine of implication must be resorted to in order to make out the general grants of power. A Constitution can not from its general nature enter into a minute specification of all the minor powers naturally and obviously included in and flowing from the great and important ones which are expressly granted. It is therefore established as a general rule that when a Constitution gives a general power or enjoins a duty, it also gives by implication every particular power necessary

for the exercise of the one or the performance of the other."

It follows, therefore, that if it be conceded that a Special Session of the Legislature has a right to submit the question set forth in the resolution to the people, then it has the right to provide the machinery by which the question shall be submitted, because to assert the one and deny the other is to permit the general grant of authority to be defeated by a failure on the part of the Legislature to have the means of carrying into effect this general grant of power. Had the Governor of the State submitted the question of permitting the voters of the State to pass upon the issue made in this concurrent resolution it would not have been necessary for him to have named the subject of legislation more than to have simply stated that he submitted the question to the Legislature of passing the resolution submitting to the voters of the State the issue as to whether or not the Thirty-fourth Legislature could call a Constitutional Convention. The designation of the subject in these general terms would have been ample and sufficient authority to have warranted the Legislature in passing the resolution under consideration in which the machinery of submitting the question and holding the election is defined. The Legislature of the State in 1875 passed a resolution calling the Constitutional Convention which met the same year and formulated our present Constitution, which was adopted by the people in 1876. The resolution was passed at a Special Session of the Legislature called by the Honorable Richard Coke, who at that time was the Governor of the State. He submitted the subject of a constitutional convention in very general terms without entering into detail as to the machinery which should be provided for assembling the convention. The Legislature, however, in its resolution, provided in terms similar in effect to those now under consideration for the election of delegates to and the assembling of the convention. So that there is legislative and executive authority for the proposition that the mere naming of the subject carries with it the incidental power on the part of the Legislature to provide for the machinery of carrying into effect the purpose designated in the subject. Now in the matter before us it is not necessary for the Governor to name the subject. The Legislature is paramount and has jurisdiction of the subject without it being named, and it follows therefore that it

must have all the incidental power which may be necessary to enable it to exercise this jurisdiction. In other words, if the naming of the subject in a general way by the Governor would give it jurisdiction and authority to provide the machinery, as has been done in this resolution, then the fact that the Legislature has jurisdiction of the question without the submission of the subject by the Governor, carries with it also the right to provide the machinery to carry into effect the purpose of the resolution. Naturally, of course, any question which is not settled by the express language of the Constitution and which has not been adjudicated by the courts of our own State or by the courts of any other State is one which cannot be altogether free from doubt; in such instances we believe it the duty of this Department to resolve the doubt in favor of the legislative authority. We therefore advise you that the Legislature has jurisdiction of the subject-matter of this resolution and has the right to pass the resolution as it is written.

Respectfully submitted,

C. M. CURETON,
First Office Assistant Attorney General.

This opinion has been passed upon and approved by the Department in executive session and is now ordered recorded.

B. F. LOONEY,
Attorney General.

Senator Watson moved that the resolution be referred to the Committee on Constitutional Amendments, which motion was adopted by the following vote:

Yeas—18.

| | |
|-------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of DeWitt. | Morrow. |
| Bailey of Harris. | Nugent. |
| Carter. | Oliver. |
| Conner. | Real. |
| Darwin. | Terrell. |
| Gibson. | Watson. |
| Hall. | Wiley. |
| Harley. | Willacy. |

Nays—11.

| | |
|------------|------------|
| Brelsford | McNealus. |
| Clark. | Taylor. |
| Collins. | Townsend. |
| Greer. | Warren. |
| Johnson. | Westbrook. |
| Lattimore. | |

Present—Not Voting.

Cowell.

Absent.

McGregor.

HOUSE BILL NO. 54.

(By Unanimous Consent.)

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 54 put on its second reading by the following vote:

Yeas—29.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Absent.

Bailey of DeWitt. McGregor.

The Chair laid before the Senate, on second reading.

House bill No. 54, relating to the renewal and extension of liens that are secured by deeds of trust, etc. (See House message of today for caption in full.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

| | |
|-------------------|---------|
| Astin. | Conner. |
| Bailey of Harris. | Cowell. |
| Brelsford. | Darwin. |
| Carter. | Gibson. |
| Clark. | Greer. |
| Collins. | Hall. |

| | |
|------------|------------|
| Harley. | Taylor. |
| Hudspeth. | Terrell. |
| Johnson. | Townsend. |
| Lattimore. | Warren. |
| McNealus. | Watson. |
| Morrow. | Westbrook. |
| Nugent. | Wiley. |
| Oliver. | Willacy. |
| Real. | |

Absent.

Bailey of De Witt. McGregor.

The bill was read third time and passed by the following vote:

Yeas—28.

| | |
|-------------------|------------|
| Bailey of Harris. | Lattimore. |
| Brelsford. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Gibson. | Townsend. |
| Greer. | Warren. |
| Hall. | Watson. |
| Harley. | Westbrook. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |

Absent.

Astin. McGregor.
Bailey of DeWitt.

Senator Gibson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE CONCURRENT RESOLUTION NO. 9.

(By Unanimous Consent.)

The Chair laid before the Senate, House Concurrent Resolution No. 9, Requesting that our Senators and Representatives in the Congress of the United States actively support the bill for the creation of the Mescalero National Park.

The committee report was adopted.

The resolution was then adopted.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

Senate bill No. 46, A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency," with amendments.

The House concurs in Senate amendments to House bill No. 35.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

Senator Cowell here called up from the President's table a simple resolution, introduced on Saturday, and which relates to the appointment of a pre-sub Finance Committee, to be appointed and to consider an appropriation bill prior to the convening of the Thirty-fourth Legislature, and to make recommendation of a bill, etc. (See Journal of Saturday for resolution in full.)

Senator Townsend offered the following amendment:

Amend the resolution so as to add all members—hold-over Senators—to said committee instead of appointing three of said membership.

TOWNSEND,
TERRELL,
DARWIN.

On motion of Senator Cowell, the amendment was tabled.

Senator Westbrook offered the following amendment:

Amend the resolution in paragraph 1 by inserting "elected" in lieu of "appointed," and by striking out the words "the Lieutenant Governor" and inserting in lieu thereof "the members thereof."

WESTBROOK,
TOWNSEND,
DARWIN.

The amendment was read and Senator Cowell moved to table same, which motion to table was adopted by the following vote:

Yeas—22.

| | |
|-------------------|-----------|
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Real. |
| Gibson. | Taylor. |
| Greer. | Terrell. |
| Harley. | Warren. |
| Hudspeth. | Watson. |
| Johnson. | Wiley. |
| Lattimore. | Willacy. |

Nays—6.

| | |
|------------|------------|
| Astin. | Darwin. |
| Brelsford. | Townsend. |
| Collins. | Westbrook. |

Present—Not Voting.

Hall.

Absent.

Bailey of De Witt. McGregor.

RECESS.

Senator Clark, at 6:25 p. m., moved that the Senate recess until 8:30 o'clock tonight.

Senator Hudspeth moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, and the motion to adjourn was lost by the following vote:

Yeas—10.

| | |
|-------------------|-----------|
| Bailey of Harris. | McNealus. |
| Cowell. | Oliver. |
| Gibson. | Real. |
| Harley. | Watson. |
| Hudspeth. | Willacy. |

Nays—19.

| | |
|------------|------------|
| Astin. | Lattimore. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Taylor. |
| Collins. | Terrell. |
| Conner. | Townsend. |
| Darwin. | Warren. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Johnson. | |

Absent.

Bailey of De Witt. McGregor.

The motion to recess until 8:30 o'clock tonight was then adopted.

AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Carter.

SIMPLE RESOLUTION.

(Pending Business.)

Action recurred on the pending simple resolution by Senator Cowell, and

Senator Terrell moved to table same, which motion to table was lost by the following vote:

Yeas—10.

| | |
|-------------------|------------|
| Astin. | Hall. |
| Bailey of Harris. | McNealus. |
| Clark. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Westbrook. |

Nays—17.

| | |
|--------------------|----------|
| Bailey of De Witt. | Morrow. |
| Carter. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Harley. | Watson. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |
| Lattimore. | |

Absent.

| | |
|------------|-----------|
| Brelsford. | McGregor. |
| Gibson. | Warren. |

Senator Townsend made the point of order that the resolution being a resolution creating a committee and fixing per diem, etc., and was not germane.

The Chair overruled the point of order.

The resolution was then adopted by the following vote:

Yeas—16.

| | |
|-------------------|----------|
| Bailey of Harris. | Morrow. |
| Carter. | Nugent. |
| Collins. | Oliver. |
| Cowell. | Real. |
| Harley. | Taylor. |
| Hudspeth. | Watson. |
| Johnson. | Wiley. |
| Lattimore. | Willacy. |

Nays—9.

| | |
|---------|------------|
| Astin. | McNealus. |
| Clark. | Terrell. |
| Conner. | Townsend. |
| Darwin. | Westbrook. |
| Greer. | |

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | Hall. |
| Brelsford. | McGregor. |
| Gibson. | Warren. |

Senator Morrow moved to reconsider the vote by which the resolution was adopted, and lay that motion of the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That the Committee on Constitutional Amendments be instructed to bring in a report on House Concurrent Resolution No. 12, and that the Senate stand at ease fifteen minutes pending the making of that report.

The resolution was read and

Senator Lattimore moved the previous question on same, which motion being duly seconded, was so ordered.

The resolution was then lost by the following vote:

Yeas—13.

| | |
|------------|------------|
| Brelsford. | Lattimore. |
| Carter. | McNealus. |
| Clark. | Taylor. |
| Collins. | Townsend. |
| Cowell. | Warren. |
| Greer. | Westbrook. |
| Johnson. | |

Nays—15.

| | |
|-------------------|----------|
| Astin. | Nugent. |
| Bailey of Harris. | Oliver. |
| Conner. | Real. |
| Darwin. | Terrell. |
| Hall. | Watson. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Morrow. | |

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | McGregor. |
| Gibson. | |

TO SUSPEND PENDING BUSINESS.

Senator Morrow moved to suspend the pending business, Senate bill No. 11, and

that the Senate take up House bill No. 79, and

Senator Hudspeth moved, as a substitute, that the regular order be suspended and that the Senate take up out of its order, House bill No. 9.

Action recurred on the substitute motion and the same was adopted by the following vote:

Yeas—13.

| | |
|-------------------|------------|
| Bailey of Harris. | Oliver. |
| Clark. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Hudspeth. | Watson. |
| Lattimore. | Westbrook. |
| Nugent. | |

Nays—9.

| | |
|---------|-----------|
| Astin. | McNealus. |
| Carter. | Morrow. |
| Conner. | Townsend. |
| Greer. | Wiley. |
| Harley. | |

Present—Not Voting.

| | |
|-------|----------|
| Hall. | Johnson. |
|-------|----------|

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Warren. |
| Collins. | Willacy. |
| Gibson. | |

REFUSED TO ADJOURN.

Senator Watson at 9 o'clock p. m. moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—9.

| | |
|---------|-----------|
| Astin. | McNealus. |
| Carter. | Real. |
| Clark. | Terrell. |
| Gibson. | Watson. |
| Harley. | |

Nays—18.

| | |
|-------------------|------------|
| Bailey of Harris. | Lattimore. |
| Brelsford. | Morrow. |
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Hall. | Westbrook. |
| Johnson. | Wiley. |

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | McGregor. |
| Hudspeth. | Willacy. |

HOUSE BILL NO. 9.

Action recurred on the pending motion to suspend pending business and take up House bill No. 9, as substituted, and the same was adopted by the following vote:

Yeas—16.

| | |
|-------------------|------------|
| Bailey of Harris. | Lattimore. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| Harley. | Terrell. |
| Johnson. | Westbrook. |

Nays—8.

| | |
|-----------|-----------|
| Astin. | Townsend. |
| Conner. | Warren. |
| Greer. | Watson. |
| McNealus. | Wiley. |

Present—Not Voting.

Hall.

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | Hudspeth. |
| Brelsford. | McGregor. |
| Gibson. | Willacy. |

The Chair laid before the Senate, on second reading,

House bill No. 9, A bill to be entitled "An Act to regulate and supervise the sale and purchase in this State, all stocks, bonds or other obligations of private, foreign and domestic corporations, organized for profit, and to regulate and supervise the offering or contracting for sale and purchase of such stock, bonds or other obligation of such corporation, or proposed corporation; and fixing commission and promotion fees allowed to be charged and providing for services of process, examination fees and exempting certain corporations from the effect of this act, providing penalty for the violation of the provisions hereof, and declaring an emergency."

REFUSED TO ADJOURN.

Senator McNealus, at 9:10 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—6.

| | |
|-----------|----------|
| Astin. | Real. |
| Clark. | Terrell. |
| McNealus. | Watson. |

Nays—20.

| | |
|-------------------|------------|
| Bailey of Harris. | Johnson. |
| Brelsford. | Lattimore. |
| Carter. | Morrow. |
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Hall. | Westbrook. |
| Harley. | Wiley. |

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | McGregor. |
| Gibson. | Willacy. |
| Hudspeth. | |

SENATE BILL NO. 46.

Senator Townsend called up Senate bill No. 46, with the following House amendments:

Amend the bill by striking out all after the words "A bill to be entitled" and insert the following:

"An Act to amend Articles 7435, 7442, 7443, 7451 and 7452, of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7435, 7442, 7451 and 7452, of the Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

Art. 7435. Any person or persons desiring to obtain a retail liquor dealer's license in this State or a retail malt dealer's license shall, before filing his or their petition for such license with the county judge as now provided by this law, make application under oath to the Comptroller of Public Accounts of this State for a permit to apply for a license to engage in such business, which application shall be in form substantially as follows:

To the Comptroller of Public Accounts of the State of Texas:

I, or we, and of the county of, State of Texas, hereby apply for a permit to apply for a license to engage in the business of retail liquor dealer or dealers (or retail malt dealer or dealers under the laws of this State, said business to be conducted at No. Street, in in the county of State of Texas; that there is now no statute or ordinance of the city in force prohibiting the retail sale of liquors at said place; that I, or we, have resided for the past two years in county, State of Texas, and during said time have been engaged in the business of; that I am, or we are, not disqualified under the laws of this State from engaging in the proposed business; that no other person or corporation is in any manner interested in or to be interested in the proposed business; that I, or we, have not, since the first day of May, A. D. 1909, as owner, or as the representative, agent or employe of any other person, kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 12 o'clock midnight on Saturday, and between that hour and 5 o'clock a. m. of the following Monday of any week; and have not since the first day of July, A. D. 1913, as owner or as the representative, agent or employe of any other person kept open any saloon or place of business where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication were sold, or sold, aided or advised any other person in selling in or near any such house or place of business any such liquor after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. of the following Monday of any week, or between the hours of 9:30 p. m. and 6:00 o'clock a. m. of the following morning of any week day; or since said date, either in person or by agent or employe, knowingly sold or permitted to be sold or given away in or near any such place of business, any spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing through the sheriff or other peace officer,

by the wife, sister, father, mother or daughter of such person not to sell to such habitual drunkard; or permitted any person not over the age of 21 years to enter and remain in such house or place of business, or permitted any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rented or let any part of the house or place of business in which such business was conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sold or given away any adulterated or impure liquors of any kind, or sold or permitted, aided or advised in selling under a retail malt dealer's license any other liquors than those defined by the law as malt liquors. And if the permission herein sought be granted and the said retail license be issued, I, or we, will not either in person, or knowingly by an agent, employe or representative, during the year for which such license shall run, keep open house or place where liquors shall be sold under such license or transact any business in such house or place of business after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day; or knowingly sell in or near any such place of business, or give away, or permit to be given away, any spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to any student of any institution of learning, or to any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, mother, father, daughter or sister not to sell to such habitual drunkard; or to permit any person not over the age of 21 years to enter and remain in such house or place of business; or permit any game prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, or rent or let any part of the house or place of business in which such business is conducted to any person or persons, for the purpose of conducting any game or games prohibited by the laws of this State; or knowingly sell or give away any impure liquor or adulterated liquors of any kind; and if the application be for a retail malt dealer's license, it shall further state that he or they under the said

license, will not sell any other liquors than those defined by law as "malt liquors." And it is hereby agreed that if the license to be applied for be issued, that the same will be issued upon condition that it shall remain in force only so long as I, or we, observe and carry out each and all of the declarations herein made, and that in the event, I, or we, violate any of the promises or do or perform any one or more of the acts which it is herein declared shall not be done or performed, or in the event that I, or we, violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors that either the county judge or the Comptroller of Public Accounts of the State of Texas, in the manner provided in this law, may rescind, cancel and annul the said State and county license granted in pursuance of this application, and that all money paid for such license shall be forfeited to the State and county or city to whom paid; and that I, or we, will at once, upon the cancellation of such license, close up the place where such business is being conducted, and cease to do such business, and will not within five years from that date again, either as owner, agent, representative or employee of any other person, attempt to enter into or engage in the retail liquor business, unless the order of the Comptroller cancelling and rescinding such license shall be annulled, in case such licenses shall have been cancelled by the Comptroller.

Sworn to and subscribed before me,
..... within and for the county of..... State of Texas, by.....
on this the day of 19..

(L. S.)

(Signature of Officer.)

That upon receiving such application, it shall be the duty of the Comptroller to file the same and keep it as a permanent record in his office, to examine and act upon the same; and, if he is satisfied that such applicant is entitled to such permit, he shall, upon the payment to him by the applicant of \$2.00, issue to him such permit, under his hand and the seal of his office, which, together with a copy of such application, duly certified to under the hand and seal of the Comptroller, shall be delivered by him to the applicant; and the said permit, together with the certified copy of said application, shall be filed with the county judge,

together with the petition for license to be filed with the county judge, and shall remain a permanent record in the office of the county judge; and no petition for a license shall be entertained by the county judge until said certified copy and permit have been filed with him by the applicant.

Art. 7442. Upon receipt of the said depositions, the Comptroller shall open and proceed to consider the same, and, if he shall determine from the preponderance of the credible evidence therein contained, that at any time after the issuance of said license the house or place where the business of selling liquors under said license was conducted was kept open and business conducted therein after 9:30 p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, or that any intoxicating liquors or medicated bitters capable of producing intoxication were knowingly sold, permitted to be sold or given by the holder or holders of such license to any person under the age of 21 years, or to any student of any institution of learning or to any habitual drunkard after having been notified in writing through the sheriff, or other peace officer, by the wife, mother, father, daughter or sister of such habitual drunkard not to sell same to him, or that any person not over the age of twenty-one years had been permitted to enter and remain in such house or place of business, or that games prohibited by laws of this State had been permitted to be played, dealt or exhibited in or about such house or place of business, or that the person or persons holding such license had rented or let any part of the said house or place of business where such business is conducted to any person or persons for the purpose of conducting any game or games prohibited by the laws of this State, or that the person or persons holding such license had knowingly sold or given away any adulterated or impure liquors of any kind, or sold or knowingly permitted to be sold, or aided or advised in selling, under a retail malt dealer's license, any other liquors than those defined by law as malt liquors, he shall rescind, vacate and withdraw such license, and shall issue a certificate in triplicate under his hand and the seal of said office, declaring the rescission of such license, theretofore issued, to such person or persons, one copy of which certificate shall remain on file

in his office, and one copy shall be forwarded by the Comptroller by mail to the county judge of the county where the place of business of the person or persons whose license is withdrawn and rescinded is located, and the other copy shall be forwarded by mail to the person or persons whose license has been so rescinded and withdrawn; and it shall be unlawful thereafter for such person or persons to continue such business, and any attempt to do so shall subject him or them to the penalty herein provided for pursuing such business without a license; and any person or persons whose license has been so rescinded and withdrawn shall forfeit to the State, county and city all money paid therefor, and they shall never have any claim against the State, county or city on account of any money paid for such license.

Art. 7451. Every person or firm having a license under the provisions of this law, who may be engaged in or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week; or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 9:30 p. m. Saturday until 6 a. m. of the following Monday of each week; and between the hours of 9:30 p. m. and 6 a. m. of any week day.

Art. 7452. Every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of five thousand dollars; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of one thousand dollars, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right, over and above all exemptions, are each worth the full amount of the bond they sign as sureties; and no county judge shall ap-

prove any such bond unless the affidavit as provided for in this article shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealer's bond; and any person who shall make any false affidavit, as required by this law, shall be punished as provided for in the Penal Code of this State; provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved as to security by the county judge; which bond shall be conditioned that said person or firm selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall not, either in person or knowingly by any agent, employee or representative, during the year for which such license shall run, keep open the house or place where liquors shall be sold under such license for the sale thereof, or transact such business in such house or place of business, after 9:30 o'clock p. m. on Saturday and between that hour and 6 o'clock a. m. on the following Monday of any week, or between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and that such person or firm shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employee, will not sell or permit to be sold in his or their house or place of business, nor give or permit to be given any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, to any person under the age of 21 years, or to a student of any institution of learning, or any habitual drunkard, after having been notified in writing, through the sheriff or other peace officer, by the wife, father, mother, daughter or sister of such habitual drunkard, said notice shall be in force and effect for a period of two years, not to sell to any such person, and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors, or medicated bitters capa-

ble of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State, and that he or they will not adulterate the liquors sold by them in any manner, mixing the same with any drug, and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind, and that he or they will not violate any law of this State relating to the regulation, sale or transportation of intoxicating liquors, which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose; for which service said clerk shall be entitled to a fee of 75 cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for such infraction of the conditions of such bond; and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon; or any person owning real property in the county may institute suit thereupon in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for costs; and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon the liquor dealer's bond, upon the breach of any of the conditions thereof; and thereafter when any recovery is had by any person or by any county or district attorney, for the use and benefit of the county in any action in any court of competent jurisdiction, upon the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold, or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a

minor to enter and remain in his place of business, or sold such liquor to any habitual drunkard, after having been notified in writing not to sell to such habitual drunkard, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business, or any part thereof, for such purpose or purposes, the license of such person or firm shall, by reason of such recovery, be forfeited, revoked and cancelled; and the court entering judgment of recovery shall also enter an order declaring forfeited, revoked and cancelled such license; and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond, as required by law, or who shall sell the same after said license shall have been forfeited, revoked or cancelled, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in the same amount provided for sales where no license has been obtained. An open house, in the meaning of this chapter, is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purposes of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises. A quiet house or place of business, in the meaning of this chapter, is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitutes or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures. Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and filing with the county judge an affidavit that such notice has been given; and, if within five days after such notice the

principal fails to make a new bond, he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, further, that where the sale to any habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there are good grounds for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this law shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this law to any person who has been convicted of a felony and served such term of conviction.

Sec. 2. The fact that there is no civil law governing applications for a license and providing for a forfeiture of license for violations of the criminal law prohibiting liquor dealers from selling liquors or keeping open their place of business after 9:30 p. m., creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Townsend moved that the Senate concur in the House amendments, and

Senator Watson made the following as a substitute motion:

I move that the Senate do not concur in the House amendments to Senate bill No. 46 and that the House be requested for a Free Conference Committee, and that the following be elected on the part of the Senate: Senators Morrow, Watson, Townsend, Clark, Gibson.

Senator Townsend moved to table the substitute, which motion was adopted by the following vote:

Yeas—15.

| | |
|------------|------------|
| Brelsford. | McNealus. |
| Collins. | Morrow. |
| Conner. | Nugent. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Greer. | Westbrook. |
| Johnson. | Wiley. |
| Lattimore. | |

Nays—9.

| | |
|-------------------|----------|
| Astin. | Oliver. |
| Bailey of Harris. | Real. |
| Clark. | Terrell. |
| Hall. | Watson. |
| Harley. | |

Present—Not Voting.

Carter.

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Gibson. | Willacy. |

PAIRED.

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Clark moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—6.

| | |
|---------|-----------|
| Astin | McNealus. |
| Clark. | Terrell. |
| Harley. | Watson. |

Nays—17.

| | |
|-------------------|------------|
| Bailey of Harris. | Lattimore. |
| Carter. | Morrow. |
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Johnson. | |

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | McGregor. |
| Gibson. | Willacy. |

PAIRED.

Senator Real (present), who would vote "yea," with Senator Brelsford (absent), who would vote "nay."

Senator Taylor (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

Action recurred on the motion to concur in House amendments to Senate bill No. 46, and

Senator Collins moved the previous question on the motion, which motion being duly seconded, was so ordered.

The amendments were read in full and at the completion of the reading,

Senator Watson made the point of order that, in accordance with Senate rule 34, the bill would have to be referred to

a committee, in that the amendment was in effect a new bill.

Senator Townsend moved to rescind Rule 34 for the purpose of considering this bill, in accordance with Senate rule 63, and

Senator Watson called for the motion to be made in writing, and following is the motion:

We move to rescind Senate rule 34.

LATTIMORE,
TOWNSEND.

The above motion was read and

Senator Terrell made the point of order that the motion provided a change in the rules of the Senate, and would have to lie over for one day.

The Chair overruled the point of order.

The motion to rescind Rule No. 34 was adopted by the following vote:

Yeas—16.

| | |
|----------|------------|
| Carter. | Johnson. |
| Collins. | Lattimore. |
| Conner. | Morrow. |
| Cowell. | Nugent. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Hall. | Wiley. |

Nays—8.

| | |
|-------------------|-----------|
| Astin. | McNealus. |
| Bailey of Harris. | Oliver. |
| Clark. | Terrell. |
| Harley. | Watson. |

Absent.

Bailey of De Witt. Willacy.
McGregor.

PAIRED.

Senator Real (present), who would vote "nay," with Senator Brelsford (absent), who would vote "yea."

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Watson made the point of order that the Constitution forbids the Legislature from considering any subject that had been defeated by either branch of the Legislature, holding that the amendments offered by Senator Townsend to a bill of the same subject matter had been defeated by the Senate.

The Chair overruled the point of order.

The motion to concur in the House amendments was then adopted by the following vote:

Yeas—17.

| | |
|----------|------------|
| Carter. | Lattimore. |
| Collins. | McNealus. |
| Conner. | Morrow. |
| Cowell. | Nugent. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Johnson. | |

Nays—7.

| | |
|-------------------|----------|
| Astin. | Oliver. |
| Bailey of Harris. | Terrell. |
| Clark. | Watson. |
| Harley. | |

Absent.

Bailey of DeWitt. Willacy.
McGregor.

PAIRED.

Senator Real (present), who would vote "nay," with Senator Brelsford (absent), who would vote "yea."

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

Senator Townsend moved to reconsider the vote by which the amendments were concurred in and lay that motion on the table.

The motion to table prevailed.

REFUSED TO ADJOURN.

Senator McNealus, at 10 o'clock, p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—3.

| | |
|--------|---------|
| Astin. | Watson. |
| Clark. | |

Nays—22.

| | |
|-------------------|------------|
| Bailey of Harris. | Lattimore. |
| Carter. | McNealus. |
| Collins. | Morrow. |
| Conner. | Nugent. |
| Cowell. | Oliver. |
| Darwin. | Real. |
| Gibson. | Taylor. |
| Greer. | Terrell. |
| Hall. | Townsend. |
| Harley. | Westbrook. |
| Johnson. | Wiley. |

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Warren. |
| Hudspeth. | Willacy. |

•HOUSE BILL NO. 9.

Action recurred on the pending business, House bill No. 9, the question being on the committee report, with amendments, and the same was adopted.

Senator Terrell offered the following amendment:

Strike out all after the enacting clause and insert the following:

Section 1. Every private corporation, foreign or domestic, organized for profit, which is now attempting or shall hereafter attempt to increase its capital stock, and every proposed corporation attempted to be organized which shall, directly or indirectly, through itself, its agents or employees, or through any person or association of persons, holding companies, sales companies or otherwise, or through any other agents, sell or contract to sell any stock of such corporation or proposed corporation, upon which sale or proposed sale or contract of sale any part of the proceeds derived or to be derived therefrom are used or to be used, directly or indirectly, for the payment of any commission, promotion, organization fee or other expenses incident, directly or indirectly, to the sale of its share of stock, except attorney's fees, charter fees, franchise tax, permit fees and stationery and supplies, shall be subject to the provisions of this act.

Sec. 2. This act shall also apply to any mining, oil or gas corporation increasing its stock or proposed mining, oil or gas corporation attempting to sell stock in which any land or mineral or thing of value is to be procured from, in or under such land that has been or is to be placed as an asset with or in the corporation or proposed corporation, whether any promotion fee is charged or not, and to any townsite corporation or proposed townsite corporation.

Sec. 3. Before offering for sale or contracting to sell, directly or indirectly, any stock of such proposed corporation, or such increased stock of any existing corporation, or before selling any stock in any townsite corporation as provided in Section 2, such corporation, or those promoting or having charge of the sale of stock of any proposed corporation, shall file, under oath, in the office of the Secretary of State, where, under the law, a charter would be filed in his department, or in the office of the Commissioner of Insurance and Banking, where, under the law, a charter would be filed in his department, together with a filing fee of twenty dollars, the following documents:

A statement showing in full detail the plan upon which the corporation proposes to increase its capital stock, or upon which the promoters or those having charge of the sale of stock of any proposed corporation proposes to sell its stock and organize the corporation, together with a copy of all the forms of contracts, stock (or deeds, if the same shall come under Section 2 hereof) to be used by the corporation or promoters, or those having charge of the sale of stocks of any proposed corporation in connection with such stock sales. The statement shall further show the name, location and domicile of such corporation, and the names of its officers or proposed officers, if any, or promoters, and the addresses of all the parties; the amount of capital stock of any corporation already organized, the proposed increase, or the proposed capital stock of the corporation to be organized, and the price at which the stock is proposed to be sold; and the price at which the stock is proposed to be sold shall not be changed without filing with the secretary or commissioner, as the case may be, a statement of such change, which shall be subject to his approval. Any such corporation or promoters of such proposed corporation shall furnish the secretary or commissioner such other information as may be necessary or proper concerning the sale of its stock.

If it shall be a corporation organized under the laws of any other jurisdiction, it shall file with the Secretary or commissioner a copy of its charter, and such other evidence of its authority as the secretary or commissioner may require.

Said statement shall also show the commission, promotion fee and other estimated incidental expenses proposed to be charged for the organization of such proposed corporation, or the increase in the capital stock of any corporation already organized, and how the commissions or fees are to be paid.

If the corporation or proposed corporation comes under Section 2 hereof, the officers of the corporation, or the promoters of the proposed corporation shall state the facts upon which they base their estimate of the actual value of the property which is to become an asset of the corporation, and the secretary or commissioner shall require such proof as he may deem proper to establish the actual value of the property.

The secretary or commissioner shall have the right to employ such experts as he may deem necessary, and the experts

shall be employed at the expense of the corporation or promoters of a proposed corporation.

No corporation proposed to be organized for the purpose of buying or selling town sites and town lots shall hereafter be granted a charter by the Secretary of State, or if a foreign corporation shall not be granted a permit to do business in the State of Texas unless the incorporators of said proposed corporation or officer of such foreign corporation shall file with the Secretary of State each and every document, contract and all papers referred to in Section 3 of this act, as well as a general statement of the plan of its proposed townsite, and a general statement of its methods of advertising same, together with a sample copy of its advertising literature, and no charter shall be granted any corporation unless after the compliance with the provisions of this act and in the judgment of the Secretary of State, such business of any proposed townsite corporation will be honestly and fairly conducted, both to the corporation and to the public. And each and every corporation in this State now existing or hereafter organized desiring to engage in the sale of townsite lots or sites shall, prior to such sale, file with the Secretary of State a general plan of said proposed lots to be sold, as well as a copy of any and all proposed contracts to be made with the public in the sale thereof, and a general statement of the literature proposed to be issued, and all matter referred to in Section 3 hereof, and if in the judgment of the Secretary of State said sale will be conducted both honestly and fairly to the corporation and to the public, a permit to conduct said sale shall be granted. This provision shall not be construed to authorize the creation of any corporation for any purpose not now authorized by the laws of this State.

Sec. 4. The secretary or commissioner, upon the receipt of the information as provided for in Section 3, shall grant or refuse such permit.

If the secretary or commissioner shall decide that the sale of stock will be fairly and honestly conducted, both to the corporation and to the public, such permit shall be granted, provided that the commissions, promotion and other incidental expenses, exclusive of the exempted expenses mentioned in Section 1 of this act shall not be more than fifteen (15) per cent of the price at which such stock is to be sold as shown

by the application or amended application.

Provided, that where any proposed corporation has already sold its stock, or a part thereof, or any part thereof has been subscribed at the time this act shall take effect, this act shall not affect stock previously sold or subscribed nor any contracts made in reference to same; but if any of the stock of said proposed corporation remains unsold or unsubscribed, said corporation shall, nevertheless, be entitled to a permit upon complying with the other conditions of this act, including the future sale or subscription of any of its stock.

The commission or promotion fee shall be paid to the agent or promoter as the stock is sold by him and paid for by the purchaser. The stock shall be considered as paid for when paid for in cash, property or labor.

No permit shall be granted unless there shall appear upon the subscription lists and contracts of such corporation or proposed corporation, in bold type, the amount of the commissions, promotion fees and other estimated expenses incident to the sale of such stock, and the interest which the officer, agent, employe or promoter selling or contracting to sell such stock has in such sale; nor shall such permit be granted until the applicants therefor have entered into a bond for not less than one thousand dollars (\$1000) nor more than one hundred thousand dollars (\$100,000), the same to be fixed by the secretary or commissioner at not more than ten per cent of the stock proposed to be issued. The said bond shall be payable to the secretary or commissioner as the case may be, and his successor in office, conditioned that the facts set forth in the application for such permit, and the proof and statements offered to such secretary or commissioner, upon which the application is based, are true, and that they will comply with the provisions of this act in the sale of the stock of such corporation or proposed corporation. Said bond may be made with individual sureties or a surety company authorized to do business in the State of Texas, and the bond shall be approved by the secretary or commissioner.

Sec. 5. If a permit shall be refused by the secretary or commissioner the parties applying therefor may bring suit in the district court of Travis county, Texas, to require said secretary or commissioner to issue such permit.

Sec. 6. Any person who shall be induced to purchase any stock of any cor-

poration or proposed corporation by the officers, agents, employes, promoters or trustees, by reason of any misrepresentation of any material fact concerning such stock, such person or persons shall have the right to bring suit upon the bond above provided for, and such bond shall be subject to, and security for, such person so purchasing the stock, provided that such person shall not be entitled to recover more than the money paid, or the actual value of the property given, or the labor performed, in exchange for such stock, with legal interest from the date of the payment or the performance of the services, or the transfer of the property.

One or more recoveries upon such bond shall not vitiate the same, but it shall remain in full force and effect, but no recoveries upon such bond shall ever exceed the full amount of same, and upon suits being filed in excess of the amount of same, the secretary or commissioner may require a new bond, and if the same is not given within thirty days, he may cancel the permit herein provided for.

Whenever any permit has been issued, the corporation or persons receiving the same shall file a list of the names of their or its authorized officers, agents and employes, and the postoffice address of each; and, in case of the change of any of its officers, agents or employes, it shall file a list of such changes with the secretary or commissioner.

Sec. 7. All moneys or other things of value collected by such corporation or the promoters of a proposed corporation, for the sale of its stock, or contract for the sale of its stock, shall be deposited by said corporation to its credit, or by the promoters of a proposed corporation, to the credit of its proposed officers or trustees, with the exception of the amount allowed for commissions, promotion fees and other incidental expenses, with a bank, bank and trust company or trust company incorporated under the laws of this State, or of the United States.

Sec. 8. All such corporations, and the organizers or trustees of proposed corporations shall keep a set of books, which shall show the amount of money, or other things of value received by such corporation or proposed corporation, from the sale of its stock, or from contracts of sale of its stock, and such books shall show the number and amounts of stock sold or contracted to be sold, by whom sold, and to whom sold, or contracted to be sold, and the

postoffice address of each. Said books shall at all times be open for inspection by the secretary or commissioner, or his duly authorized agent.

Sec. 9. Whenever the secretary or commissioner shall have information that any corporation, or the promoters of the proposed corporation, its officers, agents or employes, are not complying with the terms of this act in the sale of its stock they shall notify such corporation, or the officers, agents or employes or the promoters of the proposed corporation to appear, within twenty days, and show cause why such permit should not be cancelled, and after the hearing such secretary or commissioner shall have the right to cancel such permit if the proof shall show that such corporation or proposed corporation, or its officers, agents or employes are not complying with the terms of this act, but the parties or corporation holding such permit shall have the right to bring suit, in the district court of Travis county, Texas, against the secretary or commissioner, to reinstate such permit to sell stock.

Sec. 10. No permit to sell stock shall ever be issued to any foreign corporation which could not, under the facts and circumstances and conditions, at the time of its application for a permit to sell stock, or amended application, have procured a charter under the laws of Texas.

Sec. 11. Each foreign corporation or the promoters of any proposed foreign corporation desiring to sell or contract to sell its stock in this State shall first file with the secretary or commissioner a like power of attorney to that provided for life insurance corporations in Article 4773, Revised Civil Statutes of the State of Texas of 1911, and service may be had upon the corporation and the secretary or commissioner, as the case may be, as therein provided for, and the secretary or commissioner, as the case may be, upon receipt of such process as is therein provided for, shall proceed as is provided for him to do in Article 4774, Revised Civil Statutes of the State of Texas of 1911, and the secretary or commissioner's acts and conduct in regard to such power of attorney, and such process shall be the same as is provided for in said Articles 4774 and 4773, and the effect, force and result of such acts shall be the same as therein provided for.

Sec. 12. It shall hereafter be unlawful for any officer, agent or employe or trustee, or holding company, or sales agents, or person, or association of per-

sons in this State to sell, or offer to sell, or contract to sell, directly or indirectly, for such concern, any stock of any corporation or proposed corporation, subject to this act, which has been, proposed to be, is now being, or may hereafter be organized for profit, without first complying with the provisions of this act, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two thousand dollars, and in addition thereto may be imprisoned in the county jail for any period not more than one year, or by both such fine and imprisonment.

Sec. 12a. At the expiration of two years from the granting of a permit under this act if the proposed corporation has failed to organize, then all subscribers must be refunded the amount paid to the promoter or trustee; provided, however, that the secretary or commissioner may grant an extension of time for the sale of securities.

Sec. 13. This act shall be construed to be cumulative of any other law or laws of this State.

Sec. 14. The terms of this act shall not apply to any national bank, nor to any corporation having a charter granted under any act of the Congress of the United States, nor to any State bank, bank and trust company, or trust company organized under the laws of this State, nor to any corporation organized under the Federal Reclamation Act, approved June 17, 1902, or the regulations established by the Secretary of the Department of the Interior in pursuance thereof. Nor shall the terms of this act apply to any corporation or the promoters of any corporation organized under the laws of Texas which does not sell or contract to sell its stock to more than twenty-five bona fide purchasers; provided, it does not act as the agent or trustee, holding company or sales company in the promotion of any concern which is included under the terms of this act. Nor shall this act apply to any railroad or railway company or inter-urban railroad or railway company, or street railroad or railway company. Nor shall this act apply to the sale of stock of a corporation by a bona fide owner of same, who had in good faith bought the same, and who in the purchase and sale of same was and is not acting directly or indirectly as promoter or agent of such corporation. Nor shall this act apply to a bona fide stock or stock broker in the sale of stock, which stock has been

by such corporation sold and issued to a bona fide purchaser prior to the offering of same for sale by such broker; provided, that such purchaser or broker was not acting, directly or indirectly, as promoter of such corporation.

Sec. 15. All moneys collected under the terms of this act by the secretary or commissioner shall be quarterly deposited by him with the State Treasurer and credited to the general fund. Whenever the secretary or commissioner shall deem it necessary to examine the books of any corporation or proposed corporation, subject to the provisions of this act, or investigate its financial condition, he shall do so at the expense of the corporation or proposed corporation under investigation, and the corporation or the agents of the corporation or proposed corporation being investigated shall pay to the secretary or commissioner, or his agent, making the investigation his actual expenses and seven dollars and fifty cents per day for such investigation, which said expenses shall be paid at the termination of such investigation by the concern investigated.

Sec. 16. Whenever the word "secretary" is used in this act it shall be considered to mean Secretary of the State of Texas, and wherever the word "commissioner" is used in this act it shall be considered to mean Commissioner of Insurance and Banking of the State of Texas.

Sec. 17. The fact that there is no law in this State regulating the sale of stocks of numerous corporations which are selling such stocks throughout this State, many of which are worthless, and the fact that the people of this State are being imposed upon by unscrupulous persons selling such worthless stocks, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

HOUSE BILL NO. 78.

(By Unanimous Consent.)

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 78 put on its second reading by the following vote:

Yeas—22.

Astin.

Bailey of Harris.

| | |
|------------|------------|
| Carter. | McNealus. |
| Clark. | Morrow. |
| Collins. | Nugent. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| Greer. | Terrell. |
| Hall. | Townsend. |
| Harley. | Watson. |
| Johnson. | Westbrook. |
| Lattimore. | Wiley. |

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Oliver. |
| Conner. | Warren. |
| Gibson. | Willacy. |
| Hudspeth. | |

The Chair laid before the Senate, on second reading,

House bill No. 78, relating to drainage districts. (See House Message of to-day for caption.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

| | |
|-------------------|------------|
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Hall. | Watson. |
| Harley. | Westbrook. |
| Johnson. | Wiley. |
| Lattimore. | |

Absent.

| | |
|-------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of DeWitt. | McGregor. |
| Brelsford. | Terrell. |
| Gibson. | Willacy. |

The bill was read third time and passed by the following vote:

Yeas—23.

| | |
|-------------------|---------|
| Astin. | Carter. |
| Bailey of Harris. | Clark. |

| | |
|------------|------------|
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| Greer. | Terrell. |
| Hall. | Townsend. |
| Harley. | Watson. |
| Johnson. | Westbrook. |
| Lattimore. | Wiley. |
| McNealus. | |

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Morrow. |
| Gibson. | Warren. |
| Hudspeth. | Willacy. |

Senator Hall moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 84.

Senator Hall moved to suspend pending business, and take up House bill No. 84, which motion was adopted by the following vote:

Yeas—21.

| | |
|-------------------|-----------|
| Astin. | McNealus. |
| Bailey of Harris. | Morrow. |
| Carter. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Hall. | Townsend. |
| Harley. | Watson. |
| Johnson. | Wiley. |
| Lattimore. | |

Nays—3.

| | |
|--------|------------|
| Clark. | Westbrook. |
| Greer. | |

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Warren. |
| Gibson. | Willacy. |
| Hudspeth. | |

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 84 put on its second reading by the following vote:

Yeas—21.

| | |
|-------------------|------------|
| Astin. | Darwin. |
| Bailey of Harris. | Greer. |
| Carter. | Hall. |
| Collins. | Harley. |
| Conner. | Lattimore. |
| Cowell. | McNealus. |

| | |
|----------|------------|
| Nugent. | Townsend. |
| Oliver. | Watson. |
| Real. | Westbrook. |
| Taylor. | Wiley. |
| Terrell. | |

Nays—1.

Clark.

Present—Not Voting.

Johnson.

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | McGregor. |
| Brelsford. | Morrow. |
| Gibson. | Warren. |
| Hudspeth. | Willacy. |

The Chair laid before the Senate, on second reading,

House bill No. 84, relating to sale of certain lands on Galveston island by the State. (See House message of today for caption.)

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|-------------------|------------|
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Collins. | Nugent. |
| Conner. | Oliver. |
| Cowell. | Real. |
| Darwin. | Taylor. |
| Greer. | Terrell. |
| Hall. | Townsend. |
| Harley. | Watson. |
| Johnson. | Westbrook. |
| Lattimore. | Wiley. |

Nays—1.

Clark.

Absent.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | McGregor. |
| Brelsford. | Warren. |
| Gibson. | Willacy. |

The bill was read third time and passed by the following vote:

Yeas—19.

| | |
|-------------------|----------|
| Bailey of Harris. | Collins. |
| Carter. | Conner. |

| | |
|------------|-----------|
| Cowell. | Oliver. |
| Darwin. | Real. |
| Greer. | Taylor. |
| Hall. | Terrell. |
| Lattimore. | Townsend. |
| McNealus. | Watson. |
| Morrow. | Wiley. |
| Nugent. | |

Nays—3.

Clark.

Westbrook.

Johnson.

Absent.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | McGregor. |
| Brelsford. | Warren. |
| Gibson. | Willacy. |
| Harley. | |

Senator Hall moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 65.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 65, A bill to be entitled "An Act creating the Belcher Independent School District in Montague county, Texas; defining its boundaries; providing for a board of trustees to manage and control public free schools within said district; divesting the city of Belcher of the control of its public free schools, and the title of all properties now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the General Laws of this State, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wiley, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

| | |
|-------------------|------------|
| Bailey of Harris. | Greer. |
| Carter. | Hall. |
| Clark. | Harley. |
| Collins. | Johnson. |
| Conner. | Lattimore. |
| Cowell. | McNealus. |
| Darwin. | Morrow. |

| | |
|----------|------------|
| Nugent. | Townsend. |
| Oliver. | Warren. |
| Real. | Watson. |
| Taylor. | Westbrook. |
| Terrell. | Wiley. |

Absent.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | McGregor. |
| Brelsford. | Willacy. |
| Gibson. | |

The bill was read third time and passed by the following vote:

Yeas—24.

| | |
|-------------------|------------|
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Oliver. |
| Conner. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Greer. | Townsend. |
| Hall. | Warren. |
| Harley. | Watson. |
| Johnson. | Westbrook. |
| Lattimore. | Wiley. |

Absent.

| | |
|--------------------|-----------|
| Astin. | Hudspeth. |
| Bailey of De Witt. | McGregor. |
| Brelsford. | Willacy. |
| Gibson. | |

Senator Wiley moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 9.

Action recurred on the pending business. House bill No. 9, the question being on the pending amendment by Senator Terrell, and

Senator Watson called for the reading of the amendments, and

Senator Lattimore moved that the reading of the amendments and bill be dispensed with, which motion prevailed.

Senator Clark moved the previous question on the amendment, which motion being duly seconded, was so ordered.

Action recurred on the amendment by Senator Terrell, and the same was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend caption of bill by inserting after words "bill to be entitled" the fol-

lowing: "An Act to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations organized for profit, which propose to increase their capital stock; and to regulate and supervise the sale and purchase, in this State, of stocks of private, foreign and domestic corporations being organized and hereafter organized or proposed to be organized, for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock and such corporation or proposed corporation, and to fix commission and promotion fees allowed to be charged; and providing for service of process, examination fees, and exempting certain corporations from the effect of this act; providing penalty for the violation of the provisions of this act, and declaring an emergency."

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 1.

Senator Clark moved to table the amendment, which motion was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—18.

| | |
|------------|------------|
| Carter. | Morrow. |
| Clark. | Nugent. |
| Collins. | Real. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Hall. | Westbrook. |
| Lattimore. | Wiley. |
| McNealus. | Willacy. |

Nays—3.

| | |
|-------------------|---------|
| Bailey of Harris. | Watson. |
| Oliver. | |

Absent.

| | |
|--------------------|-----------|
| Astin. | Gibson. |
| Bailey of De Witt. | Harley. |
| Brelsford. | Johnson. |
| Conner. | McGregor. |

PAIRED.

Senator Taylor (present), who would vote "yea," with Senator Hudspeth (absent), who would vote "nay."

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REFUSED TO ADJOURN.

Senator Morrow, at 11 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost by the following vote:

Yeas—3.

| | |
|---------|-------|
| Clark. | Real. |
| Morrow. | |

Nays—17.

| | |
|-------------------|------------|
| Bailey of Harris. | Oliver. |
| Carter. | Taylor. |
| Collins. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Watson. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Lattimore. | Willacy. |
| Nugent. | |

Present—Not Voting.

McNealus.

Absent.

| | |
|-------------------|-----------|
| Astin. | Harley. |
| Bailey of DeWitt. | Hudspeth. |
| Brelsford. | Johnson. |
| Conner. | McGregor. |
| Gibson. | Warren. |

HOUSE BILL NO. 38.

Senator Darwin moved to suspend pending business and take up House bill No. 38, and

Senator Terrell moved, as a substitute, to take up Senate bill No. 41.

The substitute motion was lost.

Senator Lattimore moved, as a substitute, to take up House bill No. 17.

The substitute motion was lost.

The Chair laid before the Senate, on second reading,

House bill No. 38. A bill to be entitled "An Act to amend Article 7642, of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city or town for taxes, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering

this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

| | |
|-------------------|------------|
| Bailey of Harris. | Oliver. |
| Carter. | Real. |
| Collins. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Warren. |
| Hall. | Watson. |
| Lattimore. | Westbrook. |
| McNealus. | Wiley. |
| Morrow. | Willacy. |
| Nugent. | |

Absent.

| | |
|-------------------|-----------|
| Astin. | Gibson. |
| Bailey of DeWitt. | Harley. |
| Brelsford. | Hudspeth. |
| Clark. | Johnson. |
| Conner. | McGregor. |

The bill was read third time and passed.

Senator Darwin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 17.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

House bill No. 17. A bill to be entitled "An Act to provide for the incorporation and regulation of certain corporations generally known as building and loan associations; and for the government and control of the same; placing the same under the control and supervision of the Commissioner of Insurance and Banking; and providing for the admission in this State of foreign building and loan associations; and providing penalties for the violation of this act, and repealing all laws in conflict with this act."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Lattimore, the

constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—19.

| | |
|------------|------------|
| Carter. | Oliver. |
| Collins. | Real. |
| Cowell. | Taylor. |
| Darwin. | Terrell. |
| Greer. | Townsend. |
| Hall. | Warren. |
| Lattimore. | Westbrook. |
| McNealus. | Wiley. |
| Morrow. | Willacy. |
| Nugent. | |

Present—Not Voting.

| | |
|-------------------|---------|
| Bailey of Harris. | Watson. |
|-------------------|---------|

Absent.

| | |
|--------------------|-----------|
| Astin. | Gibson. |
| Bailey of De Witt. | Harley. |
| Brelsford. | Hudspeth. |
| Clark. | Johnson. |
| Conner. | McGregor. |

The bill was read third time and passed.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 79.

Senator Wiley moved that the regular order of business be suspended and that the Senate take up House bill No. 79.

Senator Nugent, at 11:25 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning, but the motion was lost.

Action then recurred on the motion to take up House bill No. 79, and the yea and nay vote developed no quorum voting, the following being the vote:

Yeas—15.

| | |
|------------|------------|
| Carter. | Morrow. |
| Collins. | Taylor. |
| Cowell. | Townsend. |
| Darwin. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Lattimore. | Wiley. |
| McNealus. | |

Nays—5.

| | |
|-------------------|----------|
| Bailey of Harris. | Terrell. |
| Nugent. | Willacy. |
| Real. | |

Absent.

| | |
|--------------------|-----------|
| Astin. | Harley. |
| Bailey of De Witt. | Hudspeth. |
| Brelsford. | Johnson. |
| Clark. | McGregor. |
| Conner. | Oliver. |
| Gibson. | |

RECESS.

At 11:30 o'clock p. m., on motion of Senator Wiley, the Senate recessed until 9 o'clock tomorrow morning.

AFTER RECESS.

(Tuesday Morning, August 19, 1913.)

The Senate was called to order by Lieutenant Governor Mayes.

SIMPLE RESOLUTION.

By Senator Carter:

Whereas, The First Called Session of the Thirty-third Legislature of the State of Texas will adjourn sine die on tomorrow; and

Whereas, It is necessary to provide for the winding up of the affairs of the Senate of this Legislature, and it is necessary to have certain employes retained for certain necessary business in winding up the affairs of the session, after the membership has departed for their homes; therefore, be it

Resolved, That a committee of five be appointed by the President of the Senate to arrange for the printing of the Journal of the Senate of the First Called Session of the Thirty-third Legislature, and to determine what post-session clerical work is necessary in order to properly wind up the business of the Thirty-third Legislature and to determine what officers and employes shall be retained to perform such post-session clerical work, and to make such recommendations in the premises as to said committee may appear proper.

CARTER,
WATSON,
COLLINS.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the Contingent Expense Committee as the committee.

HOUSE BILL NO. 79.

Action recurred on the pending motion to suspend the pending business and take up House bill No. 79, and Senator Watson asked unanimous consent to take up the bill, but there was objection, and action recurred on the motion to take up the bill out of its order.

The motion was adopted by the following vote:

Yeas—19.

| | |
|-------------------|------------|
| Bailey of DeWitt. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Carter. | Morrow. |
| Clark. | Oliver. |
| Collins. | Taylor. |
| Cowell. | Townsend. |
| Darwin. | Watson. |
| Greer. | Westbrook. |
| Hall. | Wiley. |
| Hudspeth. | |

Nays—3.

| | |
|---------|----------|
| Nugent. | Terrell. |
| Real. | |

Absent.

| | |
|------------|-----------|
| Astin. | Johnson. |
| Brelsford. | McGregor. |
| Conner. | Warren. |
| Gibson. | Willacy. |
| Harley. | |

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and House bill No. 79 put on its second reading by the following vote:

Yeas—20.

| | |
|-------------------|------------|
| Bailey of DeWitt. | Lattimore. |
| Carter. | McNealus. |
| Clark. | Morrow. |
| Collins. | Oliver. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Hudspeth. | Wiley. |

Nays—1.

Real.

Present—Not Voting.

Nugent.

Absent.

| | |
|-------------------|-----------|
| Astin. | Johnson. |
| Bailey of Harris. | McGregor. |
| Brelsford. | Warren. |
| Gibson. | Willacy. |
| Harley. | |

The Chair laid before the Senate, on second reading,

House bill No. 79, requiring railroad companies to furnish cars to shippers, etc. (see House message of today for caption).

The Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Senator Carter offered the following amendments, severally, which were read and adopted:

Amend House bill No. 79 by striking out in Article 6681, first line in House Journal of August 13, 1913, same being in Section 2 of said printed bill, all after the word "shall," in first line of said Article 6681 up to and including the word "cars," in fifth line of said paragraph, so as to make said paragraph read in part as follows: "Such applicant shall deposit with such agent," etc.

CARTER.
MORROW,
WILEY,
WATSON.

Amend bill, Article 6682, by striking out after the word "notice" the following: "or forfeit to the railway company all actual damages that such railway company may sustain by reason of the failure to so unload said cars," and insert in lieu thereof the following: "or forfeit and pay to the company the sum of twenty-five dollars per day for each car not so unloaded."

Amend the bill and caption in accordance therewith by adding to Section 4, Article 6683a: "Provided, that the provisions of this act shall not be held to forfeit or annul the demurrage regulations provided by the Railroad Commission of Texas, and all penalties accruing to the carrier hereunder shall be cumulative of and additional to all demurrage charges prescribed by said Commission."

Senator Lattimore offered the following amendment:

Amend bill by adding at the end of Article 6682 the following: "Provided, that such notice shall contain a substantial statement to such consignee that such demurrage will be collectible if such freight be not unloaded in said forty-eight hours."

The amendment was read, and Senator Carter moved to table the same, which motion to table was adopted by the following vote:

Yeas—15.

| | |
|-------------------|-----------|
| Bailey of Harris. | Hudspeth. |
| Brelsford. | McNealus. |
| Carter. | Morrow. |
| Clark. | Real. |
| Darwin. | Watson. |
| Gibson. | Wiley. |
| Greer. | Willacy. |
| Hall. | |

Nays—8.

| | |
|------------|------------|
| Astin. | Nugent. |
| Collins. | Taylor. |
| Conner. | Townsend. |
| Lattimore. | Westbrook. |

Present—Not Voting.

| | |
|---------|---------|
| Oliver. | Warren. |
|---------|---------|

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | Johnson. |
| Cowell. | McGregor. |
| Harley. | Terrell. |

The bill was read second time and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Oliver. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Darwin. | Watson. |
| Gibson. | Westbrook. |
| Greer. | Wiley. |
| Hall. | Willacy. |
| Hudspeth. | |

Present—Not Voting.

| |
|---------|
| Nugent. |
|---------|

Absent.

| | |
|-------------------|-----------|
| Bailey of DeWitt. | McGregor. |
| Harley. | Warren. |
| Johnson. | |

The bill was read third time and passed by the following vote:

Yeas—25.

| | |
|-------------------|-----------|
| Bailey of Harris. | Cowell. |
| Brelsford. | Gibson. |
| Carter. | Greer. |
| Clark. | Hall. |
| Collins. | Hudspeth. |
| Conner. | Johnson. |

| | |
|------------|------------|
| Lattimore. | Townsend. |
| McNealus. | Warren. |
| Morrow. | Watson. |
| Nugent. | Westbrook. |
| Oliver. | Wiley. |
| Taylor. | Willacy. |
| Terrell. | |

Present—Not Voting.

| | |
|--------|-------|
| Astin. | Real. |
|--------|-------|

Absent.

| | |
|--------------------|-----------|
| Bailey of De Witt. | Harley. |
| Darwin. | McGregor. |

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 29—REPORT OF FREE CONFERENCE COM- MITTEE.

Committee Room,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate, and Hon. Chester H. Terrell, Speaker of the House of Representatives.

Sir: We, your Free Conference Committee, to whom was referred House bill No. 29, with Senate amendments thereto, have had the same under consideration at a session of said committee, and beg leave to report it back to the Senate and House with the recommendation that it do not pass, but that the accompanying Free Conference Committee Substitute for House bill No. 29 do pass in lieu thereof.

COWELL,
COLLINS,
HUDSPETH,
LATTIMORE,
BRELSFORD,

On the part of the Senate.

WORTHAM,
HILL,
WOODS of Navarro,
GOODNER,
KIRBY,

On the part of the House.

FREE CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 29.

A BILL

To Be Entitled

An Act making appropriations to pay various miscellaneous claims against the State, authorizing the payment of

said miscellaneous items on the taking effect of this act, making appropriations for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated to pay various miscellaneous claims against the State, as herein enumerated; and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1913, and for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1913.

Miscellaneous Items.

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| To refund liquor dealers the proportionate amount of taxes heretofore paid by them for the unexpired term of their licenses in local option district, and restricted districts on account of amended city charters, up to August 31, 1915, and to refund the State's portion of all such liquor licenses, heretofore paid under laws, heretofore enacted, or so much thereof as may be necessary | \$ 10,000 00 |
| To pay Jake Giles, sheriff of Jefferson county, fees in criminal cases | 206 40 |
| To pay C. W. Howth fees as county attorney in felony cases, on which payments were made, as if the county was under the fee bill.... | 184 00 |
| To pay T. F. Skevington, tax assessor of Dimmit county, for assessing State revenue and State school taxes for year 1912, as per Comptroller's certificate No. 1.. | 883 85 |
| To pay Dennis Richardson for services as a Texas ranger for five months at \$40 a month, from March, 1860, to July, 1860, inclusive | 200 00 |
| To pay J. P. Flynt, sheriff of Runnels county, fees in felony cases | 20 00 |

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| To pay William Reese, manager for the Colonial and United States Mortgage Company, Ltd., overpaid franchise tax | 72 00 |
| To pay Marshall Traction Company amount erroneously paid as franchise tax on account of said company being subject to the gross receipts tax law..... | 37 50 |
| To pay Mrs. E. L. Wesley, public free school teacher of Coleman county, Texas, for amount due her for services rendered during the year of 1891, account having the approval of State Superintendent F. M. Bralley | 40 00 |
| To pay Higgins Oil and Fuel Company claim against the State for four cars of fuel oil, shipped and delivered to the State Lunatic Asylum, at Austin, during the year 1907, which account now has the approval of the storekeeper and accountant and the Purchasing Agent at that time... | 859 43 |
| To pay the Swann Furniture and Carpet Company for desks, chairs, carpet and linoleum for the House of Representatives | 2,380 02 |
| To refund to C. and E. Branch, citizens of Jackson county, amount overpaid in taxes..... | 41 33 |
| To refund State taxes erroneously paid by the Ragley-Saner Lumber Company of Jasper county.... | 13 31 |
| To refund to the First National Bank of Amarillo, Texas, taxes erroneously paid | 155 00 |
| To refund to the Rural Telephone Company of Holland, Texas, gross receipts taxes illegally and erroneously paid | 85 93 |
| To refund to Mrs. P. B. Carr taxes erroneously paid on lot in city of Dallas..... | 6 00 |
| To pay amount due W. M. Atkinson, district attorney of the Twenty-fifth Judicial District, for services rendered in trial of certain cases in the years 1908 and 1909, included..... | 180 00 |
| To pay R. B. Minor salary as codifying commission- | |

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| er from December 15, 1912, to January 1, 1913..... | 145 83 | August, 1911; also water furnished Capitol grounds during the months of July and August, 1911; also Land Office, August, 1911, and 1912; also water and light furnished the State Confederate Home for July and August, 1907; January, April and July, 1908 | 1,068 93 |
| To pay Andreas Coy, Jr., district clerk, Bexar county, Texas, for costs in the case of H. E. W. Gley vs. Lane | 27 55 | The above claims have never been paid, as the funds for the different institutions to cover such items having been exhausted for those months, and furthermore, these claims have never been presented to the Finance Committee, for the reason that they had been misplaced. | |
| To refund to S. H. Huston of Houston, Texas, taxes erroneously paid to the State | 10 32 | To pay A. L. Ledbetter of Dallas county, fees due in trials of certain cases.... | 27 90 |
| To pay the Southwestern Traction Company, franchise tax erroneously paid, on account of paying a gross receipt tax | 172 55 | To pay Tom D. Smith for yeast furnished the Deaf and Dumb Institute, colored, during months of April and May, 1913, said account being approved by the board of said institution | 16 36 |
| To pay accounts of annotators and assistants, as per list of approved accounts by the Codifying Commissioners | 4,413 21 | To pay W. H. Graham fees in case No. 3744 in the district court of Taylor county, State of Texas, vs. Bernardo Acosta; also case No. 3751, State of Texas vs. Sam Spicer | 23 25 |
| To pay Judge Sam R. Scott and assistants, for services rendered in connection with the locating and re-marking boundary line between New Mexico and the State of Texas, as per contract entered into by the Governor of Texas and Judge Scott on the 12th day of April, 1911, included..... | 10,073 49 | To pay account of stenographers, as per approved accounts by the codifying commissioners | 1,378 25 |
| To pay the San Antonio Drug Company for drugs, etc., delivered to the Southwestern Insane Asylum at San Antonio, State Orphans' Home, at Corsicana, and the North Texas Insane Asylum at Terrell, Texas, said claims being properly approved by the boards of each of the above named institutions, the same having never been paid, papers having been lost in the past | 224 81 | To pay Z. R. McDonald, official court reporter. Fifty-ninth Judicial District. fees allowed for services rendered in case No. 11687, State of Texas vs. Wood Maxcey | 26 25 |
| To pay Swift & Co. for two shipments of butterine, made to the Southwestern Insane Asylum of San Antonio, April 26, 1911, and June 2, 1911 | 268 80 | To pay O. P. Fowler, official court reporter Twenty-fourth Judicial District. for services in criminal cases, as per accounts filed in Comptroller's Department | 122 17 |
| To pay Austin Light & Power Company for water and light furnished the State Deaf, Dumb and Blind Institute, colored, during the months of May, June, July and August, 1911, and July and August, 1912; also State Insane Asylum, July and August, 1912; State Confederate Home, | | To pay H. P. Bickler, official court reporter Twenty-sixth Judicial District. stenographic fees in cases of State of Texas vs. Raph- | |

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| ael Lopez, C. O. Turner and W. M. Stevens..... | 31 42 | rendered in case of State of Texas vs. Tom Tate.... | 153 00 |
| To pay T. M. Harrell, official court reporter Seventy-first Judicial District, case of Texas vs. Mose Wilson.. | 11 06 | To pay T. M. Harrell, official court reporter Seventy-first Judicial District, for services rendered in case of State of Texas vs. Philip Brookins | 23 60 |
| To pay George G. Markley, official court reporter of the First Judicial District, stenographic fees in sundry cases | 112 25 | To pay C. I. Evans, official court reporter of Criminal District No. 2, Dallas county, in case of State of Texas vs. Ed Jones..... | 48 40 |
| To pay Earl Carter, official court reporter of the Sixty-sixth Judicial District, for services in case of State of Texas vs. Bush Coker..... | 15 60 | To pay George E. Bell, official court reporter Thirty-seventh Judicial District, in cases of State of Texas vs. A. Calderon and Frank Smith | 10 40 |
| To pay Hall Etter, official district court stenographer, one-half of transcript fees in the hereinafter styled and numbered causes, where the court was required to and did appoint attorneys to represent defendants in criminal action, as provided in Section 14, Chapter 119, Acts of the Thirty-second Legislature, which one-half of said transcript fees are as follows, to wit: | | To complete the erection of a monument in the court house yard at Granbury, Hood county, Texas, to the memory of Brigadier General H. B. Granbury, to be expended under the direction of the Daughters of the Confederacy of Granbury Camp, or so much thereof as may be necessary | 1,000 00 |
| No. 3166. The State of Texas vs. Alfred Alexander | 20 00 | For support and maintenance of the Deaf and Dumb and Blind Institute, Colored, for the fiscal year ending August 31, 1913..... | 400 00 |
| No. 3162. The State of Texas vs. Cullen Nobles and Curtis McGinsey... | 14 00 | To erect a monument in the State Cemetery over the grave of Major General John A. Wharton, or so much thereof as may be necessary, to be expended under the direction of the Governor | 1,000 00 |
| No. 3162. The State of Texas vs. Curtis McGinsey | 12 00 | To pay Clarke & Courts for stationery bought June 18, 1913, by the Court of Civil Appeals at Texarkana | 37 75 |
| No. 3251. The State of Texas vs. Curtis McGinsey | 17 00 | To pay Geo. D. Barnard & Co., stationery accounts for the Court of Civil Appeals at Texarkana for Stationery bought during the months of April, May and October, 1911, and January, 1913 | 201 80 |
| No. 3282 and No. 3283. The State of Texas vs. Will Johnson | 15 00 | To pay E. T. Rosborough for one typewriter furnished Court of Civil Appeals, Sixth District, during year 1907..... | 100 00 |
| No. The State of Texas vs. Dan McCline.. | 20 00 | | |
| No. The State of Texas vs. Lillie Maxwell | 19 00 | | |
| To pay Sam W. Davis, official court reporter Fifteenth Judicial District, in case of State of Texas vs. Carl Oliver | 24 10 | | |
| To pay Charles E. Pickle, official court reporter, Fifty-third Judicial District, for services in cases of State of Texas vs. John Henry and W. M. Stevens..... | 21 37 | | |
| To pay Henry Mings, official court reporter Seventh Judicial District, for services | | | |

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| To pay E. T. Rosborough for one wide carriage typewriter furnished Court of Civil Appeals, Sixth District, during year 1908.. | 115 00 | constitutional about the latter date | 30 00 |
| To pay E. T. Rosborough difference in exchange of two typewriters for Court of Civil Appeals, Sixth District, during year 1911.. | 125 00 | To pay C. A. Dahlich for chairs, etc., furnished the Deaf and Dumb Institute, November, 1910, said account having approval of the board, which has never been paid | 46 60 |
| To pay E. T. Rosborough difference in exchange of one typewriter for the Court of Civil Appeals, Sixth District, during year 1912 | 35 00 | Salary of one assistant inspector of masonry from July 3, 1913, to September 1, 1913 | 290 00 |
| To pay E. T. Rosborough for repairing and remodeling one typewriter for Court of Civil Appeals, Sixth District | 15 00 | Expenses of assistant inspector of masonry, July 3, 1913, to August 1, 1913.... | 76 35 |
| To pay Joe Murray for postage stamps for Court of Civil Appeals, Fourth District, during months of May, June and July, 1913, account being approved by W. S. Fly, Chief Justice. | 26 50 | Estimated expenses of assistant inspector of masonry August 1, 1913, to September 1, 1913..... | 90 00 |
| To pay Remington Typewriter Company balance due on typewriters for the General Land Office..... | 297 20 | To pay Wm. J. Bailey of Ft. Worth, Texas, ten months' rent on feeding station for the months of February to November, 1911, inclusive, said account being approved by the Director of State Experiment Stations | 833 33 |
| To pay the Underwood Typewriter Company balance due on typewriters for the General Land Office..... | 247 53 | To pay additional expenses of extra live stock inspectors up to September 1, 1913.. | 2500 00 |
| To pay John W. Benson the following: For service as a Texas Ranger for five months at \$40 per month, from March, 1860, to July, 1860, inclusive | 200 00 | To refund to the State Farmers' Mutual Hail Insurance Company of Minnesota, fees paid to the State of Texas for permit to do business in the State, said application being refused.. | 46 25 |
| To refund E. M. Bacon money paid into the State Treasury for land applied for under Act of 1879, said application being rejected by the Land Commissioner in accordance with judgment of the district court of Mitchell county, as per certificate of Land Commissioner | 579 00 | To refund William M. Dunson, Travis county, State taxes erroneously paid the year 1911, same having been paid twice..... | 22 92 |
| To refund to H. T. Reutermann, of Bexar county, State portion of a tax as sewing machine agent for the years from April 16, 1910, to April 15, 1911, and from April 16, 1911, to April 15, 1912, due to the fact that the law known as the merchants' occupation tax law was declared un- | | To pay J. T. Robinson for copying General and Special Laws of the Thirty-third Legislature and for proof reading General Laws, 114 days' work.... | 400 00 |
| | | To pay sundry accounts due by the Nacogdoches Experiment Station, vouchers to be approved by the Director of Experiment Stations, as follows: | |
| | | Labor on buildings..... | 123 80 |
| | | Superintendent's account | 341 00 |
| | | Fertilizers | 105 00 |
| | | Feed stuffs | 80 20 |
| | | Salaries June, July and August, 1913 | 300 00 |
| | | Labor | 60 00 |
| | | To pay the Texas State prison system for cast | |

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| iron pipe furnished the Confederate Home, said account being approved by the storekeeper for said Home | 411 03 | Paso county, from the 1st day of Sept., 1913, to the 31st day of Dec., 1914... | 4,000 00 |
| To pay amount due Company I, 2d Infantry, Texas National Guard, for services rendered at Laredo February and March, 1913, in aid of civil authority..... | 143 45 | There is hereby appropriated, to be paid out of the State Treasury out of any funds not otherwise appropriated, the sum of one million three hundred and fifty thousand eight hundred sixty and 27-100 (\$1,350,860.27) dollars, with which to pay the debts incurred by the Prison Commission of the State; provided, however, that in the event the State is able to sell the one million and five hundred thousand dollars in bonds authorized to be issued by Chapter 57 of the Acts of the General Session of the Thirty-third Legislature of the purpose of paying the debts of the prison system, that then the debts here referred to shall be paid out of the funds realized from the sale of said bonds; but in the event the State should not be able to sell said bonds, then such debts shall be paid out of the general revenue, and in figuring the tax rate the State Tax Board shall take into consideration the sums herein appropriated for the payment of said debts. | |
| To pay for services rendered by Companies A, B, D and Hospital detachment, 4th Infantry, Texas National Guard, at Ft. Worth, Texas, May, 1913, on the call of the sheriff of Tarrant county, in aid of civil authority | 1,075 45 | Provided, that said appropriations shall and are hereby made as follows: | |
| To pay increase of salaries of twenty-four judges of the Eighth Supreme Judicial District from July 1, 1913, to August 31, 1913, inclusive | 2,000 00 | For the year ending August 31, 1914 | \$675,430 27 |
| To pay increase of salaries for the six judges of the Supreme Court and Court of Criminal Appeals, from July 1, 1913, to August 31, 1913 | 1,000 00 | For the year ending August 31, 1915 | 675,430 00 |
| To pay amount due the city of Austin for paving Lavaca street, from Tenth to Eleventh streets, in the rear of the Governor's Mansion | 1,058 75 | To pay Raymond Gilmore for overtime work on Senate Journal | 150 00 |
| For mileage and per diem, Regular Session Thirty-third Legislature, being balance due J. L. Robinson and Noel Brown, Journal Clerks | 150 00 | To pay J. L. Robinson and Noel Brown and W. R. Long for overtime..... | 360 00 |
| To pay the following amounts necessary for the enforcement of the provisions of Section 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h and 9i, of Chapter 17, Acts of the First Called Session of the Thirty-first Legislature, to be expended in two years ending August 31, 1913, as follows: | | Approved deficiencies for the year ending August 31, 1913: | |
| Registered claims | 2,073 72 | State Tax Board: | |
| To pay claims of court reporters for transcribing testimony in felony cases where pauper oath is filed, as provided by law..... | 250 00 | Salary of bookkeeper, stenographer, etc. | 150 00 |
| To pay the salary of the judge of the special district court in and for El | | Postage, express, telegraphing and telephone..... | 100 00 |
| | | Contingent expenses | 75 00 |

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| Insurance, and Banking: | | cases for the year ending | |
| Postage, stationery, ex- | | August 31, 1913: | |
| press, etc. | 1,000 00 | Registered | 51,070 91 |
| Contingent expenses | 150 00 | For the year ending | |
| State Library: | | August 31, 1911 | 2,865 94 |
| Library supplies, postage | | Fees of county judges, | |
| and freight | 100 00 | county attorneys, jus- | |
| Contingent expenses | 25 00 | tices of the peace, | |
| State Lunatic Asylum: | | sheriffs and con- | |
| Support and maintenance. | 30,000 00 | stables in examining | |
| Dry goods and clothing... | 6,000 00 | trials | 1,784 00 |
| Repairs | 2,000 00 | For the payment of sher- | |
| State Purchasing Agent: | | iffs, clerks and at- | |
| Contingent expenses | 300 00 | torneys in felony cases | |
| A. and M. College: | | for the year ending | |
| Support and maintenance, | | August 31, 1912 | 56 85 |
| salaries | 45,000 00 | For expenses of attached | |
| Support and maintenance, | | witnesses for the year | |
| running expenses | 15,000 00 | ending August 31, | |
| Prairie View Normal: | | 1913 | 29 66 |
| Support and maintenance | 10,000 00 | Fees of county judges, | |
| Public Buildings and Grounds: | | county attorneys, jus- | |
| Water, light, fuel and con- | | tices of the peace, | |
| tingencies | 1,200 00 | sheriffs and constables | |
| Public Printing: | | in examining trials for | |
| Printing, first, second and | | the year ending Au- | |
| third class, etc. | 12,000 00 | gust 31, 1912 | 7 00 |
| Claims registered in the | | To refund to the Leon H. | |
| Comptroller's office, ap- | | Blum Land Company taxes | |
| propriations being ex- | | erroneously paid on land | |
| hausted for the fiscal | | in E. Thomas Survey, Ab- | |
| year ending August 31, | | stract 73, Harris county, | |
| 1913. | | Texas | 17 33 |
| Southwestern Insane Asylum: | | Public Debt: | |
| Support and maintenance.. | 430 15 | Payment of interest on | |
| For the fiscal year ending | | public debt for the year | |
| August 31, 1912: | | ending August 31, 1914. | \$129,691 00 |
| To pay special judges.. | 239 28 | For the year ending | |
| To refund liquor deal- | | August 31, 1915 | 129,691 00 |
| ers the proportionate | | To pay Miss Mary Mercer | |
| amount of taxes paid | | for stenographic work in | |
| by them for the unex- | | preparing an application | |
| pired term of their | | for a deficiency appropri- | |
| license in local option | | ation for the Colored | |
| districts and to refund | | Deaf, Dumb and Blind | |
| the State's portion of | | Asylum, at the request | |
| liquor license under | | of the Board of Mana- | |
| Chapter 17, of the | | gers for said asylum... | 5 00 |
| First Called Session | | Prairie View Normal: | |
| of the Thirty-first Leg- | | Balance on deficiency for | |
| islature, Sections 17 | | the years beginning Sep- | |
| and 16, August 31, | | tember 1, 1911, and end- | |
| 1913 | 2,500 00 | ing August 31, 1913... | 30,582 99 |
| For the payment of fees and | | Agricultural and Mechan- | |
| costs of sheriffs, clerks | | ical College: | |
| and attorneys in felony | | Balance on deficiency for | |
| | | the years beginning Sep- | |
| | | tember 1, 1911, and end- | |
| | | ing August 31, 1913.... | 27,265 83 |
| | | To complete new mess hall | 12,529 00 |
| | | To complete main building | 22,500 00 |

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| Provided, that so much of the appropriation herein provided for to complete the new mess hall and the main building shall be allowed as the same may be approved by the Governor, and that no part of said sum appropriated shall be used to supplement any amount contracted to be paid to any contractor for any work included in said contracts. | | memory of James McGloin, empresario of the McMullen and McGloin colony, subject to the approval of the Governor... | 1,000 00 |
| To purchase a bust of General Mumecan Hunt, now in possession of his widow in Montgomery, Texas, together with any papers and historical data that may be in possession of said widow, to be deposited in the State Library in the Capitol at Austin..... | 2,000 00 | To pay Bascom Lynn, Superintendent Tuberculosis Sanitarium, amount paid for salary account of the State on December, 1912, payroll | 1,572 54 |
| And the Governor is hereby authorized to draw a warrant for said sum against the general revenue for the purpose, and the Comptroller is hereby authorized to issue warrant against the State Treasurer, and the Treasurer is hereby authorized to pay same. | | To reimburse Continental Land & Cattle Co. for taxes erroneously collected by the State and erroneously paid on lands in Hall, Cottle and Motley counties for the years 1892 to 1911, inclusive..... | 1,169 77 |
| Special Judges: | | All the unexpended balance of the appropriation made by the Thirty-second Legislature, Chapter 32 of the General Laws as enacted at the Regular Session, being House bill No. 142, said appropriation being included in Section 6 of said act, are hereby appropriated for the purposes of said act and the payment of said bounties as therein enumerated, for the two years beginning September 1, 1913, and ending August 31, 1915. | |
| To pay Judge J. Llewellyn (special judge for the Ninth Judicial District) salary from April 26, 1913, to August 31, 1913 | 1,041 66 | To pay the keeper of San Jacinto Battle Ground for services rendered up to and inclusive of August 31, 1913, under the direction and supervision of the Superintendent of Public Buildings and Grounds.... | 900 00 |
| To pay Judge W. J. Mathis (special judge for Grayson county) salary from May 12, 1913, to August 31, 1913 | 908 33 | To pay F. W. Axtell & Company for supplies furnished the State Experiment Station during the years 1910 and 1911..... | 144 75 |
| To pay Ellis Brothers of El Paso, account created by the Court of Civil Appeals (Eighth Supreme Judicial District), upon approved account | 97 95 | To pay George Harper, ex-tax collector of El Paso county, amount of excess taxes | 99 45 |
| To pay J. I. Driscoll, clerk of the Eighth Supreme Judicial District Court, amount paid for stamps.. | 35 00 | To pay freight and other miscellaneous items due by the Adjutant General's Department, as per accounts on file in said Department | 897 48 |
| To pay George D. Barnard & Co. for supplies furnished the Eighth Supreme Judicial District Court..... | 47 50 | To pay T. M. Harrell, official court reporter of the Seventy-first Judicial District; case of State of Texas vs. Israel Hill | 28 15 |
| To erect a monument in San Patricio county to the | | Treasury Department: To refund to purchasers or | |

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| lessees of public domain, public school lands, etc., when approved by the At- torney General | 2,536 18 |
| For the purpose of carrying into effect the provisions of Article 5353, 5354 and 5355 of the Revised Civil Statutes of 1911, there is hereby appropriated out of any funds in the hands of the Treasurer not other- wise appropriated, or so much thereof as may be necessary, to be expended in two years under the di- rection of the Governor, Attorney General and Com- missioner of the General Land Office of the State of Texas, in resurveying the lands conveyed in pay- ment for the building of the State Capitol | 10,000 00 |
| To pay the fees of witnesses in felony cases who are sub- poenaed in the county in which the case is tried, as provided in the Acts of the First Called Session of the Thirty-third Legislature, provided that the said ap- propriations shall and are hereby made as follows: | |
| For the year ending August 31, 1914 | 100,000 00 |
| For the year ending August 31, 1915 | 100,000 00 |
| Total | \$2,164,915 24 |

Sec. 2. The appropriations herein provided for are to be construed as the maximum sums to be appropriate to and for the several purposes named herein, and no expenditure shall be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Sec. 3. Whereas, there are no appropriations to pay claims against the State herein provided for, which are outstanding and are legal claims against the State, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and this act take effect and be in force from and after its passage, and it is so enacted.

The above report was read and adopted by the following vote:

Yeas—28.

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| Astin. | Lattimore. |
| Bailey of DeWitt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Real. |
| Collins. | Taylor. |
| Conner. | Terrell. |
| Cowell. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Hudspeth. | Wiley. |
| Johnson. | Willacy. |

Absent.

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| Darwin. | Oliver. |
| Harley. | |

MOTION TO RECALL HOUSE BILL
NO. 9 FROM HOUSE.

Senator Hudspeth made the following motion in writing:

Be it resolved by the Senate, That the House be requested to return to the Senate for correction and further consideration House bill No. 9.

HUDSPETH.
WATSON.

EXECUTIVE SESSION.

The Chair here announced that the hour, 10 o'clock, previously designated for the Senate to hold executive session for the purpose of considering appointments previously sent to the Senate by the Governor, had arrived.

Senator Terrell made the point of order that today being the legislative day of yesterday and that the time for executive session had not arrived.

The Chair overruled the point of order.

Senator Carter moved that the time for the executive session be postponed until 3 o'clock today.

ADJOURNMENT.

Senator McNealus moved that the Senate adjourn until 10:15 o'clock Tuesday, August 19, 1913, which motion was adopted.

APPENDIX.

BILLS AND RESOLUTIONS SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did

sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama-Pacific International Exposition at San Francisco, 1915.

Senate bill No. 12, "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operations of the laws in certain cases, and repealing all laws in conflict herewith, and declaring an emergency.'"

Senate bill No. 22, "An Act to create a more efficient road system for Hall county, Texas, and making the commissioners court of said county ex-officio road commissioners in their respective precincts, making this act cumulative, and declaring an emergency."

Senate bill No. 25, "An Act to authorize the Governor, Attorney General and Land Commissioner to lease water rights in the Guadalupe river, in DeWitt county, upon such terms and for such consideration as they may prescribe, and providing priority of interest in leasing, and also providing means of adjusting damages for the destruction of dams or property now owned by certain persons, and providing for the number of dams to be erected by any person, firm or corporation, the manner of measuring water, and further providing for the manner of distributing power and regulating the sale of same, and also regulating the terms under which a sale of leasehold may be made, and fixing the rights of purchasers of said leaseholds, and declaring an emergency."

Senate bill No. 35, "An Act appropriating the sum of five thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-third Legislature, and declaring an emergency."

Senate bill No. 45, "An Act creating the Files Valley Orphans' Home Independent School District; providing for the appointment of trustees of said district; defining the boundaries, and declaring an emergency."

House bill No. 73, "An Act to create a more efficient road system for Gal-

veston county, Texas, and making county commissioners precinct road commissioners of their respective precincts; providing their compensation; defining their powers and duties, and declaring an emergency."

House bill No. 39, "An Act to prohibit the use of any imitation label, trade mark, design, device, imprint or form, of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House bill No. 56, "An Act creating the Port Aransas Independent School District, known as Common School District No. 8, in Nueces county, Texas, and including within its limits the municipal corporation of the town of Port Aransas; and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith, in so far as they conflict with this act, and declaring an emergency."

House bill No. 87, "An Act dividing Ridings Common School District No. 95, in Fannin county, Texas, into two common school districts, to be known as 'Ridings' Common School District No. 95' and 'Finley Common School District No. 126,' by a line running east and west across said Ridings Common School District No. 95, so as to give each of the newly created common school districts about an equal number of square miles of territory."

House bill No. 63, "An Act authorizing the city of Nacogdoches, a municipal corporation, to sell the United States of America a portion of the Main Plaza

for a Federal building site, and declaring an emergency."

House bill No. 81, "An Act to repeal Chapter 121, Special Laws of the Regular Session of the Thirty-third Legislature, the same being a special road law for Liberty county, and declaring an emergency."

House bill No. 75, "An Act creating the Copita Independent School District, in Duval county, Texas; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general law; providing for a board of trustees therefor, and declaring an emergency."

House bill No. 60, "An Act to amend Sections 26 and 53 of Article 30 of Title 5 of the Revised Statutes of Texas, 1911, and to change and prescribe the time for holding the district court in the Twenty-sixth Judicial District of the State of Texas, and the Fifty-third Judicial District of the State of Texas, and to define the jurisdiction of said courts, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk for the district court of the Twenty-sixth and Fifty-third Judicial District Court in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 57, "An Act to amend Chapter 1, Title 11, of the Revised Civil Statutes of this State of 1911, relating to attachments, by adding thereto Article 247a, providing for the issuance of attachments in suits founded in tort and upon unliquidated demands, and providing for the fixing of the amount of bond in such cases, and declaring an emergency."

House bill No. 62, "An Act to change and prescribe the time for holding district court in the Forty-ninth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 58, "An Act to amend Chapter 38 of the Special Laws of the Thirty-second Legislature, as amended by the Thirty-third Legislature, entitled 'An Act to create a more efficient road system for Wood county,' etc., by mak-

ing it unlawful to injure or damage any public road in said county; prescribing penalties, and declaring an emergency."

House bill No. 55, "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas; to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as bonds and recognizances heretofore entered into conform thereto, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 47, "An Act to incorporate the Fruitvale Independent School District, in Van Zandt county, for free school purposes, and declaring an emergency."

House bill No. 52, "An Act to amend the special road law for Smith county, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, and creating an emergency."

House bill No. 43, "An Act to fix the time for holding the terms of the district court in the Forty-seventh Judicial District, and to repeal all laws in conflict herewith, and declaring an emergency."

House bill No. 59, "An Act to incorporate Thorndale School District, in Milam and Williamson counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, and issuing bonds for the erection of school buildings within said district, and declaring an emergency."

House bill No. 13, "An Act to amend Chapter 150, General Laws, passed at the Regular Session of the Thirty-third Legislature, relating to application for witnesses in felony cases so as to repeal Section 4 of said chapter, which provides for the payment of one dollar and fifty cents per day for each day that witnesses residing in the county of the prosecution may have been necessarily absent from their homes or business in attendance upon court."

House bill No. 33, "An Act to reorganize the Thirty-fourth Judicial District of Texas, to regulate the time of holding the district courts in the various counties composing the Thirty-fourth Judicial District of Texas, providing for the returning of the process issued and to be issued by said courts, validating process heretofore issued by said court, and declaring an emergency."

House bill No. 46, "An Act to amend Sections 3, 4 and 10, of Chapter 173, of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, relating to the development of minerals in public lands."

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act to amend Article 2827 and Article 2826* of the Revised Civil Statutes of the State of Texas, so as to provide that the valuation placed on property for taxation in county line independent school districts having their own tax assessor shall not be governed by the valuation placed thereon for State and county taxation, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DARWIN, Acting Chairman.

Committee Room,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act creating the Hudsonville Independent School District, in Fannin county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the right and duties of districts incorporated for school purposes only under the general laws; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

DARWIN, Acting Chairman.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 78, A bill to be entitled "An Act providing for the abolition of

drainage districts, heretofore organized, or that may hereafter be organized under the general laws of the State of Texas, and providing a method for the creation of a trustee and treasurer to take charge of the property and effects of said abolished districts and winding up the affairs thereof, and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Brelsford, Chairman; Hudspeth, Conner, Johnson, Bailey of De Witt, Collins, Willacy, Taylor, Hall.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 38, A bill to be entitled "An Act to amend Article 7642 of Chapter 13, Title 126, Revised Statutes, 1911, providing for the redemption by the owner of lands or lots heretofore sold or that may hereafter be sold to the State, city, or town for taxes, and declaring an emergency."

Have had same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Carter, Chairman; McNealus, Morrow, Collins, Real, Terrell, Cowell, Gibson, Hudspeth, Bailey of Harris.

(Floor Report.)

Committee Room,
Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

House bill No. 79, A bill to be entitled "An Act to amend Articles 6678, 6681, 6682 and 6683, Revised Civil Statutes of the State of Texas, revision of 1911, requiring railroad companies, receivers or trustees to furnish cars to shippers upon written demand and providing penalties for their failure so to do; requiring such shippers to deposit with the agent or person to whom application is made one-fourth of the amount of freight charges to accrue for the use of such cars if demand be made therefor; requiring such applicants to load cars when so furnished within forty-eight hours after delivery of same, and providing penalties; requiring the parties to whom such

cars are consigned to unload same within forty-eight hours after delivery and notice; requiring parties bringing suit against any railroad company, receiver or trustee for failure to furnish cars upon demand therefor to show that such cars would have been loaded, if furnished, within forty-eight hours after receipt of same, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Collins, Chairman; Bailey of Harris, Johnson, Conner, Brelsford, Hall, Lattimore.

(Floor Report.)

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 84, A bill to be entitled "An Act to authorize the Governor to sell and conditionally relinquish to J. J. Kane of the city of Galveston, his heirs and assigns, or other persons, any right, title or claim the State of Texas has in and to certain flats, or lands under water, on the shores of Galveston bay, in Galveston county, for the purpose of the construction of a dry dock or marine railway, and authorizing the Governor of the State of Texas to make necessary conveyances, and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Lattimore, Chairman; Hudspeth, McNealus, Johnson, Taylor, Brelsford, Real, Collins, Bailey of Harris, McGregor, Morrow, Cowell, Hall.

(Floor Report.)

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 54, A bill to be entitled "An Act to amend Section 5895, Revised Civil Statutes of Texas, 1911, as amended by Chapter 123, Acts of the Thirty-third Legislature, relating to the renewal and extension of liens that are secured by deeds of trust, mortgages or original vendor's lien on real estate, and providing that said sections shall hereafter read as follows, and declaring an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Morrow, Chairman; Carter, Hudspeth, Greer, Lattimore, Brelsford.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 35, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Thirty-third Legislature, Regular Session, of the State of Texas, entitled 'An Act to prohibit the interstate shipment and transportation of intoxicating liquors, etc.' and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

CONNER, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 23, A bill to be entitled "An Act to name the several counties composing the Sixty-third Judicial District and fix the time for holding district courts therein, and to repeal all laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 36, A bill to be entitled "An Act to amend Articles 7435, 7442, 7443, 7451 and 7452 of the Revised Civil Statutes of the State of Texas, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following Monday morning, and between the hours of 9:30 and 6 a. m. of the following morning of any week

day; and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any law of this State relating to the regulation, sale or transportation of intoxicating liquors, and providing for the reinstatement of such license, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.
CONNER, Chairman.

Committee Room.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, A bill to be entitled "An Act to amend Sections 2, 8, 9 and 12 of 'An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 46. A bill to be entitled "An Act to amend Articles 7435, 7442, 7451 and 7452 of the Revised Civil Statutes of the State of Texas of 1911, so as to provide for fixing the hours of opening and closing any house or place of business where intoxicating liquors are licensed to be sold, requiring the closing of such places of business between the hours of 9:30 p. m. on Saturday night and 6 a. m. of the following

Monday morning, and between the hours of 9:30 p. m. and 6 a. m. of the following morning of any week day, and authorizing recovery upon the bond and forfeiture of license of retail liquor dealers violating any penal law of this State relating to retail liquor dealers, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 54. A bill to be entitled "An Act to validate certain settlement on and purchase of public free school land, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 56, A bill to be entitled "An Act to change and prescribe the time for holding district court in the Thirty-eighth Judicial District of Texas, and to repeal all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,

Austin, Texas, August 16, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Bill No. 12, "An Act to amend Chapter 132 of the Acts of the Thirty-third Legislature, entitled 'An Act to provide for indeterminate sentences of persons convicted of certain crimes; for the termination of such sentences and the release of such persons on parole; providing for exemption from the operation of the law in certain cases and repealing all laws in conflict herewith, and declaring an emergency.'"

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of said act, Chapter 132 of the Acts of the Regular

Session of the Thirty-third Legislature, be so amended as to hereafter read as follows:

Section 1. That whenever any person seventeen years of age or over shall be on trial for any felony, the jury trying said cause shall not only ascertain whether or not said person is guilty of the offense charged in the indictment, but shall also in the verdict assess the punishment or penalty within the period of time fixed by law as the maximum and minimum penalty for such offense, provided, if the jury shall assess the punishment for such offense at a longer period of time than the minimum period of imprisonment in the penitentiary for such offense, then the judge presiding in such cause, in passing sentence on such person, instead of pronouncing a definite time of imprisonment in the penitentiary on such person so convicted, he shall pronounce upon such person an indeterminate sentence of imprisonment in the penitentiary, fixing in such sentence the minimum and maximum terms thereof, fixing in said sentence as the minimum time of imprisonment in the penitentiary the time now or hereafter prescribed by law as the minimum time of imprisonment in the penitentiary, and as the maximum time of such imprisonment, the term fixed by the jury in their verdict as punishment for such offense; provided that if the punishment assessed by the jury shall be by pecuniary fine only, or imprisonment in the county jail, or both fine and imprisonment in the county jail, then the provisions of this act shall not apply.

Sec. 2. Meritorious prisoners who are now or may hereafter be in prison under a sentence to penal servitude may be allowed to go upon parole, outside of the buildings and jurisdiction of the penitentiary authorities subject to the provisions of this act, and to such regulations and conditions as may be made by the Board of Prison Commissioners, with the approval of the Governor of this State, and such parole shall be made only by the Governor, or with his approval.

Sec. 3. While on such parole such prisoners shall remain under the control of the Board of Prison Commissioners and subject at any time to be taken back within the physical possession and control of the said Board of Prison Commissioners as under the original sentence, but such retaking shall be at the direction of the Governor, and all orders and warrants issued by said Board of Prison Commissioners under such authority for the retaking of such pris-

oners shall be sufficient warrants for all officers named therein to return to actual custody and parole convicts, and it is hereby made the duty of all officers to execute such orders as ordinary criminal processes.

Sec. 4. The wardens or sergeants or guards of such prisoners, or who have in custody convicts subject to parole under this act, shall cause to be kept at such prison or place of confinement at which such convicts are confined an accurate record of each prisoner therein confined upon sentence, as aforesaid, which record shall include a biographical sketch covering such items as may indicate the cause of the criminal character or conduct of the prisoner, and also a record of the demeanor, education and labor of the prisoner while confined thereat, and whenever such prisoner is transferred from one prison or place of confinement to another a copy of such record or an abstract of the substance thereof, together with certified copy of the sentence of such prisoner shall be transmitted with such prisoner to the prison or place of confinement to which he shall be transferred and delivered to the prison officer in charge thereof and retained by him as a part of the record of such prisoner.

Sec. 5. It shall be the duty of the wardens of such prisoners to make or cause to be made to the Board of Prison Commissioners a written report based upon the record of such prisoner as to whether or not such prisoner shall be paroled or pardoned, and such report shall be made with reference to each prisoner in charge of such warden, and shall give the reasons for such recommendations as are made, and if no recommendations are made the report shall so state, such reports to be made semi-annually.

Sec. 6. It shall be the duty of the Board of Prison Commissioners to receive and preserve said reports and recommendations provided for in this act, and to consider the same and to approve or disapprove the same within three months after the same are received and to transmit a report of such recommendations for parole or pardon as they approve to the Governor of this State without delay.

Sec. 7. Whenever any prisoner serving an indeterminate sentence, as provided in Section 1 of this act shall have served for twelve months, on parole, in a manner acceptable to the Board of Prison Commissioners, the said board shall certify such fact to the Governor, with the recommendation that the said prisoner

be pardoned and finally discharged from the sentence under which he is serving. But it shall be the duty of the Prison Commission to continue its supervision and care over such paroled prisoner until such time as the Governor shall pardon and finally discharge from custody the said prisoner; provided, that in no case shall any prisoner be held for a longer term than the maximum provided by the sentence for the crime of which the said prisoner was convicted.

Sec. 8. When a convict who has been paroled shall have complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, he shall, upon a written or printed discharge from the superintendent and Prison Commissioners, setting forth these facts, be recommended by the board to the Governor for restoration of his citizenship by the Governor of the State of Texas.

Sec. 9. If a prisoner, sentenced to the penitentiary, shall not be paroled under the provisions of this act, or if he shall only be sentenced to serve the minimum term of imprisonment fixed by law, then Article 6217 of the Revised Civil Statutes of Texas shall apply to his sentence, and he shall be entitled to such commutation or reduction of time as in said article provided under the conditions therein named.

Sec. 10. No provision of this law shall in any manner be held to in anywise repeal, limit or affect in any manner the provisions of Chapter seven (7) of the Acts of the Thirty-third Legislature providing for suspension of sentence in certain cases, and the provisions of said Chapter 7 of the Acts of the Thirty-third Legislature shall apply to the trial of all cases under the conditions therein stipulated, and not specifically exempted from the operation thereof by the terms of said law.

Sec. 11. The fact that there is now no adequate law providing for indeterminate sentences, and that by reason thereof professional criminals are being released daily who show no evidence of reform, and that persons who give every evidence of complete reform are being held in the penitentiary long after their reformation is evident, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted."

And find it correctly enrolled, and have this day, at 10:30 o'clock a. m.,

presented same to the Governor for his approval.

GIBSON, Chairman.

Committee Room.

Austin, Texas, August 18, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 5, Providing for the appointment of a State Commission to raise the funds, assemble, prepare, install and maintain an exhibit of the resources of the State of Texas at the Panama Pacific International Exposition at San Francisco, 1915:

Whereas, There is in course of preparation at San Francisco a great international exposition in celebration of the completion of the Panama Canal, in which exposition the States of the Union and the nations of the world are invited by the national government to participate; and,

Whereas, It is desirable that the State of Texas should be fully and adequately represented at said exposition; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the Governor be authorized to name a commission of representative citizens, consisting of three men and two women, to be known as the Panama Pacific International Exposition Commission of Texas, which said commission shall have full charge of the matter of raising the funds, preparing, installing and maintaining the exhibits from the State of Texas at the Panama Exposition at San Francisco, and to do such things and perform such functions as usually pertain to such enterprises, the Governor to name one of said commissioners to be chief commissioner, and the said commission to make its own rules and regulations, fix all salaries, etc.; be it further

Resolved, That the people of Texas be requested to give their aid and co-operation, and the several departments of the State government be authorized to lend such aid and assistance as may be possible, under existing laws; be it further

Resolved, That a full and final report of all moneys raised and how expended shall be made to the Governor at the close of the labors of said commission; provided, that in no case shall the State of Texas be liable for any debts, obligations or expenses connected with said commission or its participation in the

Panama Pacific International Exposition at San Francisco.

And find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

GIBSON, Chairman.

REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS.

The following is printed here by order of the Senate:

IN RE CONTEST OF C. A. WHEELER VS. A. C. OLIVER, BEFORE THE SENATE OF TEXAS ON AUGUST 12, 1913.

The petition of contestant, C. A. Wheeler, was read to the Committee on Privileges and Elections. Upon the reading of said petition contestant stated to the committee that he eliminated therefrom Subdivisions (b) and (c), in paragraph 3 of the petition. Contestant also read to the committee his supplementary statement of ground of contest filed in this suit.

Contestee presented reply to the petition of the contestant and the supplementary reply to the supplementary petition filed by the contestant, also the certificate of election issued by the Secretary of State of the State of Texas on August 6, 1913, certifying that A. C. Oliver was duly elected and accredited Senator from the First Senatorial District of Texas.

The contestant offered in evidence a certificate from Hon. F. C. Weinert, Secretary of State of the State of Texas, dated August 6, 1913, certifying that Lee Tidwell, county judge of Bowie county, Texas, had certified to that department the returns of the special election held on July 19, 1913, throughout the First Senatorial District of Texas for the election of a Senator from that District, showing that A. C. Oliver received 1707 votes, C. A. Wheeler 1683 votes and L. H. Henry received 1198 votes for Senator from the First Senatorial District.

The above named instruments, to wit, notice of contest, petition and supplementary petition, reply and supplementary reply of contestee, and certificate of election of A. C. Oliver by Secretary of State, which are hereto attached marked Exhibits "A," "B," "C," "D," "E" and "F," respectively.

Contestant offered first witness, B. B. Webster.

B. B. Webster, being first duly sworn, testified as follows (examination by attorney for contestant):

Question—Your name is B. B. Webster?

Answer—Yes, sir.

Q.—Where do you live?

A.—In Cass county, at Douglasville, Texas.

Q.—Were you one of the judges of the election held at Douglasville, in Cass county, Texas, on the 19th day of July, 1913?

A.—Yes, sir.

Q.—Do you remember who was the other judge of that election?

A.—There was Mr. McWhorter; he was manager, and myself and Mr. Granberry were clerks, and then there was Mr. R. H. Williams. There were four of us; Mr. Granberry kept the poll list and I kept the ballot box.

Q.—Were you present as one of the officers conducting that election at Douglasville box throughout the entire day while the election was being carried on?

A.—Yes, sir.

Q.—Were the officers and managers of that election sworn at any time during that day?

A.—Yes, sir.

Q.—When, with reference to the opening at the polls at the Douglasville box, were the judges, managers and officers of that election sworn in?

A.—In the afternoon.

Q.—Do you remember how many votes had been cast at that box before the judges and managers of the election and the other election officers were sworn?

A.—I do not know just how many there were; there were a good many, but I cannot say exactly.

Q.—Can you name any circumstance that will enable us to ascertain how many votes had been cast at the time those officers were sworn in as officers of the election?

A.—Not to my own knowledge. Nothing that I can think of now.

Q.—Do you remember any man who voted immediately after you were sworn in?

A.—No, not any man in particular. I don't know that I can say.

Q.—Did the managers and judges of the election take refreshments at noon in the room where the election was being held?

A.—No, sir.

Q.—Where did they go for their refreshments at the noon hour?

A.—Two of us went to the hotel—I went to the hotel and the others live at

the place and they went home, who live there in town.

Q.—What was done with the ballot boxes while you gentlemen went off for refreshments?

A.—It was left on the table that we used in the room.

Q.—In the room where the election was being held?

A.—Yes, sir. The election was held in a room used for a warehouse by Morris & King.

Q.—Was the door locked when you went off?

A.—Yes, sir.

Q.—Who locked that door?

A.—I did, I think; I am not sure, but I believe I locked it myself.

Q.—Your recollection is that you were the one who locked the door?

A.—Yes, sir.

Q.—What was done with the key until you returned?

A.—Well, I work at the store of Morris & King, and I lock the door when I leave. I locked the door of the room and carried the key and hung it up where it usually hangs in the store.

Q.—Was that a public place which was open during the day?

A.—Yes, sir.

Q.—Was that key hung in the store building while you went off?

A.—Yes, sir.

Q.—When you returned from your refreshments was that when you took the oath of office as managers of the election?

A.—It was in the afternoon; I don't know exactly what time; I cannot say about that.

Q.—It was after you had gone off and left that key hanging in the store?

A.—Yes, sir.

Q.—You say that Mr. McWhorter was manager of that election?

A.—Yes, sir.

Q.—Do you know whether or not he signed the ballots which were signed in that polling place? If they were signed?

A.—No, he did not sign them.

Q.—You saw the ballots as they were deposited, and then you saw them when they were taken out and counted? Were they signed by anyone?

A.—No, sir; they were not signed by anyone.

Q.—Did Mr. R. B. McWhorter make up in person the returns of that election and sign them officially—make the returns to any of the returning officers of that county—the county judge of that county?

A.—No, he did not do it himself.

Q.—Who signed, if anyone signed his name to those returns?

A.—Well, I signed them. After I got them, I think I suggested that I just sign the judge's name. I asked him, and he said, "All right; just sign my name to them."

Q.—At the time you signed them, was he present?

A.—No, sir.

Q.—Where is Mr. McWhorter now?

A.—I think he is here.

Cross-examination by attorney for contestee:

Q.—Mr. Webster, when you went to dinner and left the boxes in the place where you had been holding the election, you locked the door; now when you went back did you unlock the door?

A.—I believe I did, but I am not certain about that. I think I was the first one to come back from dinner.

Q.—Did you find that the box or poll lists or anything there used by you in said election had been tampered with in your absence?

A.—No, sir.

Q.—Were they tampered with in any way?

A.—No, sir.

Q.—The ballots that were cast were canvassed and counted; were they not?

A.—Yes, sir.

Q.—You conducted that election fairly and honestly in the very best of your information as to how it should have been conducted? As honestly and fairly as sworn officers of election?

A.—Yes, sir.

Q.—Who conducted this election?

A.—Mr. McWhorter was manager, but he was away—he had left word that his mother or some relative was dangerously ill.

Q.—Was the election conducted by you the same as if you had been under oath, conducting it honestly and fairly, conducting it in every particular as to complying with the principles of the law? Were the ballots cast and counted and returned?

A.—Yes, sir.

Q.—You were an adherent of the contestant in that race, were you not?

A.—Yes, sir.

Q.—You had no purpose of any sort in refraining from calling attention to the work that was done? Were the ballots that were cast at Douglasville box in this election counted as they were cast correctly?

A.—Yes, sir.

Q.—And the returns show that the ballots as they were cast for the re-

spective candidates were credited to these candidates?

Q.—Was the place where you placed the key when you went off accessible to the public?

A.—It was inside of the store.

Q.—Anybody could have gotten it?

A.—Yes, anybody could have gotten it, but we had other keys there—crib keys and other things like that.

Q.—It was in the office of the store?

A.—No, it was not in the office. It was in the store to the right of the door; at the place where I kept the keys all the time. Nobody would have been likely to have gotten those keys, but they could have done so.

Q.—Did you have poll lists furnished you by the proper authorities of the qualified voters of that box?

A.—No, sir.

Senator Willacy:

Question—Were the ballots numbered, Mr. Webster? Was each and every ballot properly numbered?

Answer—Yes, sir; I think they were.

Q.—Was the store open during the time you went to dinner?

A.—I will tell you about that. I take my meals at the hotel. There was three of us who stayed in the store who have keys—Mr. Morriss, myself and Mr. Brabbahm. They both live close to the store; they keep houses themselves, and I take by meals at the hotel. I do not know whether they locked the door of the store or not. I do not know who got back first. Usually I get back first and unlock the store. I do not know whether they locked it that time or not. It is usual at the noon hour for it to be locked; the last one out usually locks the door, and the one who gets back first unlocks the door. They both live a little closer to the store, but they both have families and they take more time at home than I do. I never stay at the hotel, and I get back to the store before they do.

Q.—Were Mr. Morriss and Mr. Brabbahm in the store?

A.—I do not know whether they were there or not. When we closed at dinner we just hung the key in its regular place and came back when we had dinner.

Q.—Do you know whom Mr. King supported?

A.—He voted for Mr. Wheeler.

Q.—Whom did Mr. Morris support? Did he vote for Mr. Wheeler?

A.—No, sir; he voted for Dr. Oliver. Senator Brelsford:

Question—Which of the election judges voted for Dr. Oliver?

Answer—Three of us voted for Wheeler and one for Oliver, so I understood it, but I could not swear to that.

Q.—You stated that when you went back to the polling place you found the status of the poll lists and ballots just as you had left them—they had not been disturbed or interfered with in any way?

A.—No, sir.

Q.—Will you state the total vote cast at that election for Senator from the First District?

A.—Oliver 118, Wheeler 18, and Henry 2; total 138.

Senator Lattimore:

Question—Mr. McWhorter was presiding judge, was he not?

Answer—Yes, sir.

Q.—You say nobody signed those ballots?

A.—No, sir; they were not signed.

Q.—No presiding judge wrote his name on the ballots?

A.—No, sir.

Senator Townsend:

Question—Did any of the voters present poll tax receipts? What percentage of them presented receipts?

A.—Some of them did not. A good many of them, but I do not know just what per cent did not present receipts.

Q.—Why did you not swear these?

A.—Some of them were perfectly responsible men.

Q.—Did you swear negroes?

A.—No, they did not swear the negroes—not all of them.

Q.—As a matter of fact you know all the voters at your precinct? They know every man of them and you know that they were qualified voters?

A.—I do not know about all of them.

Q.—How about those you would question?

A.—I do not know that I understand your question.

Senator Nugent:

Question—I believe you stated that Mr. Brabbahm, as you understood it, voted for Mr. Wheeler?

Answer—I think so.

Q.—Is it not true that Mr. Brabbahm lives very close to the warehouse?

A.—Yes, sir.

Q.—Do you not think that if he lived right close he would have been in position in all probability to have seen anybody that would have gone in and tampered with anything left there; and he was a Wheeler man, as I understand it?

A.—Yes. I understand he was a Wheeler man. I suppose he could have seen anyone who went in the warehouse. I don't know.

W. R. Warren, being first duly sworn, testified:

Examination by counsel for contestant:

Question—What is your name?

Answer—W. R. Warren.

Q.—Where do you live?

A.—In Douglasville, Cass county, Texas.

Q.—Did you vote at the election held at Douglasville, in Cass county, on the 19th day of July, 1913, for the purpose of electing a Senator from that district?

A.—I did.

Q.—What time of day did you vote at that election?

A.—It was some time in the afternoon. I do not know exactly what hour.

Q.—Were you present when the judges and clerks of that election took the oath of office?

A.—Yes, sir.

Q.—With reference to the time that they took the oath of office when did you vote, before or after?

A.—I voted before.

Q.—What time elapsed after you voted before they were sworn in? I understand that they swore them in immediately after you voted?

A.—Yes, sir.

Senator Willacy:

Question—You voted as you desired to vote, and in the way you wished?

Answer—Yes, sir.

The next witness called was L. L. Harper, county clerk of Cass county, he having charge of the ballot boxes, tally sheets and poll lists used at Douglasville during said election. After some discussion it was agreed by counsel for both sides that it was not necessary to bring voting boxes before the committee, a written agreement having been entered into by said counsel in regard to voting precincts involved in this contest, a copy of which agreement is hereto attached and marked Exhibit "G" for identification.

L. L. Harper, being first duly sworn, testified as follows:

Examination by counsel for contestant:

Question—Your name is L. L. Harper?

Answer—Yes, sir.

Q.—You are the county clerk of Cass county, are you not?

A.—Yes, sir.

Q.—This paper that I hand you

(handing paper to witness), what is this?

A.—It is the return on the poll list for the special election at Douglasville on July 19, 1913.

Q.—I wish you would see if you can read the name, W. R. Warren, appears to have voted on that.

A.—Yes, sir.

Q.—What is the number of his vote?

A.—No. 99.

Senator Morrow:

Question—Is there any indication that that poll list has been tampered with?

Answer—No, sir; there is not; I will swear that it has not been since it has been in my possession.

Q.—When you received the poll list was there any indication that it had been tampered with? Did you notice anything to create suspicion?

A.—No, sir.

Q.—Has any assertion been made by anyone that either of the men on that poll list were other than the names of some voter who had gone to the voting box to cast his vote?

A.—Do you mean before or at the time that I received this return?

Q.—At the time or since that time have you heard anything—any report that there was any name on that list of any men who had not gone to that box and cast his vote?

A.—It seems like I have, but I don't know of my own knowledge; I heard a lot of talk at the time, but I do not know anything about that.

Q.—I mean the names that are on that list of men who did not vote?

A.—No, sir; at no time. That list only includes the names of those voters who went to the box and voted according to the facilities that were provided.

Senator Westbrook:

Question—With reference to the election boxes, were all those boxes metal boxes as required by law, or were any of them shoe boxes or something of that kind?

Answer—Yes, sir.

On motion of Senator Willacy, the committee adjourned to meet again at 2 p. m.

Committee on Privileges and Elections met at 2 p. m., pursuant to adjournment.

Present: Astin, Bailey of Harris, Bailey of DeWitt, Brelsford, Carter, Clark, Collins, Conner, Cowell, Darwin, Gibson, Greer, Harley, Hudspeth, Johnson, Lattimore, McGregor, McNealus, Morrow, Nugent, Real, Taylor, Terrell,

Townsend, Warren, Watson, Westbrook, Wiley and Willacy.

It was agreed by contestant that no more witnesses would be called, and that the votes cast and counted for contestant and contestee in the boxes contested are as given in the agreement hereto attached, marked Exhibit "G."

EXHIBIT "A."

SIMPLE RESOLUTION.

Whereas, Hon. C. A. Wheeler of Texas, has filed a contest with this body contesting the election of the Hon. A. C. Oliver as Senator from the First Senatorial District of Texas, and as a basis for said contest alleges matters of serious irregularity in said election, of such a nature demanding an immediate investigation by this body; and

Whereas, It is the sense of this body that justice be meted out to the parties and that such person be seated who may have been elected by the qualified voters of said First Senatorial District of Texas: therefore, be it

Resolved by the Senate, That the notice and statement of contest by the Hon. C. A. Wheeler and the other papers pertaining thereto be referred at once to the Committee on Privileges and Elections of the Senate, and that said committee proceed without delay to fix a time for the hearing of said contest, and, after due notice to the parties thereto, investigate the issues between said parties, hearing all the legal evidence that may be presented to said committee and at the earliest practicable date report their conclusions of law and fact in respect to said case to this body, accompanied by all the papers in the case and the evidence taken therein, with such recommendation as may to them seem proper, to the end that the Senate may act upon this contest at the very earliest practicable date possible.

LATTIMORE,
BRELSFORD,
JOHNSON,
COWELL,
GIBSON,
CONNER,
TOWNSEND,
WESTBROOK,
DARWIN,
WILEY,
TAYLOR,
GREER,
WARREN,
McNEALUS,
COLLINS.

EXHIBIT "B."

Austin, Texas, August 4, 1913.

To Hon. A. C. Oliver:

You will please take notice that it is my intention and purpose to and that I shall contest your right to the office of Senator from the First Senatorial District of the State of Texas, it being my contention that you were not legally elected and have not been legally elected to said office at the election held throughout said District on July 19, 1913, but that I was, at said election, legally elected to the office of Senator from the First Senatorial District of Texas.

I herewith hand you a copy of my original petition, upon which I base my contest and upon which I shall offer evidence.

Respectfully,

C. A. WHEELER.

I hereby certify that on the 4th day of August, A. D. 1913, I delivered to A. C. Oliver in person in the city of Austin, Travis county, Texas, a true copy of the above and foregoing notice, together with a true copy of the petition mentioned in said notice.

C. A. WHEELER.

IN RE CONTEST OF THE ELECTION OF A. C. OLIVER AS SENATOR FROM THE FIRST SENATORIAL DISTRICT OF TEXAS.

To the Honorable, the Senate of Texas:

Your petitioner, C. A. Wheeler, appears herein for the purpose of contesting before this Honorable Body the election of A. C. Oliver as Senator from the First Senatorial District of Texas, and as his grounds for said contest doth allege and is prepared to prove the following:

1. Your petitioner and the said A. C. Oliver and Lewie H. Henry, Esq., were candidates in a special election called by the Governor of Texas to be held in the various voting places in the First Senatorial District of Texas on the 19th day of July, 1913, to fill the vacancy occasioned by the resignation of Horace W. Vaughan from this Body. Said election was called, and under the law should have been conducted in accordance with the election laws of the State of Texas, and your petitioner was entitled to have his candidacy tested and decided in accordance with the terms and provisions of said laws.

2. Among the voting places in said district is Douglasville, in the county of

Cass, said town being the home of A. C. Oliver, contestee herein. There were 138 votes polled at said box during the said election, of which number 118 were counted by the judges for the contestee herein and 18 for your petitioner and 2 for Lewie H. Henry. With the exception of the said box, your petitioner in said district received 1667 votes and contestee herein received 1591 votes and Lewie H. Henry received 1187 votes. Your petitioner, therefore, unless defeated by the votes cast in the said Douglasville box, received a majority of the legal votes cast in said election, and has been duly and legally elected to the office of Senator from said district.

3. Your petitioner shows that R. B. McWhorter was the presiding judge and B. B. Webster and were the other judges at said box; that the votes cast in the said Douglasville box were not legal votes and none of same should be counted under the law either for or against any of the candidates in said election, because:

(a) Neither the said presiding judge nor any of the other judges before opening the polls or at any time thereafter until 80 votes had been received and cast took the oath of affirmation as officers of election and as provided by law. Your petitioner is unable to give the names of the voters who cast the first 80 votes counted or for whom they were voted, for want of knowledge, but he avers the facts to be that the votes cast in said box numbered 1 to 80, inclusive, were cast at a time before the judges had taken the oath of office and when, under the law, they had no right to receive or count them.

(d) The said officers of the election and each of them at the noon hour on the said election day, to wit, July 19, 1913, left the voting place, the box containing the ballots that had been cast, the unused ballots, and the entire equipment and supplies and paraphernalia of the election in the room where said election was held for a period of one hour or more, locking the door to same, during which they partook of refreshments. Said refreshments were taken during the hours provided by law for voting and before the canvass of the votes had been taken, but they were not taken at the said poll place and were not taken in view of the ballot box, but they were taken at remote and distant places out of the view and entirely removed from said box and voting place; nor did the said judges partake of refreshments at the same place, but repaired to their

several homes and assembled at a later time and reopened the voting place.

(e) When the ballots thus cast had been counted, the managers of the said election did not in person make out triplicate returns of the same and certify them to be correct and sign them officially in the manner provided by law. The presiding judge at said box did not sign said return at all, but gave B. B. Webster, one of the judges, authority to sign his name, and the signature that appears upon said returns on which the certificate of contestee's election was issued is not the genuine signature of R. B. McWhorter, but was signed by B. B. Webster at the request and instance of the said R. B. McWhorter during his absence.

(f) None of the ballots cast and counted in said voting box were signed by the presiding judge thereof, nor were they, as petitioner is informed and believes, numbered. He makes the charge upon information and belief as to the numbering of said ballots, but alleges the fact to be that not one of the ballots used in said election at said box bore the signature of the presiding judge, R. B. McWhorter, and that all of the ballots so cast despite the fact that they were not signed as provided by law and despite the fact that the law expressly provides that the judges shall count no ballots which do not bear the signature of the presiding judge or which are unnumbered, all of said ballots were counted with the result that 118 of same were counted as aforesaid in favor of contestee herein and 18 in favor of your petitioner.

4. Your petitioner shows that for the reasons mentioned in the preceding paragraph all of the ballots cast in the said Douglasville box were illegal and unlawful votes and should not have been counted for any of said candidates. That except for such unlawful and illegal votes, your petitioner has a majority of the votes cast by the qualified voters of the First Senatorial District of Texas, and under the law is entitled to a seat in this body and all the privileges and emoluments and benefits of the said office.

5. He therefore files this his contest before this honorable body, attaching hereto the certificate of Hon. Lee Tidwell, county judge of Bowie county, Texas, showing that the 4th day of August, 1913, is the return day of the said election; that is to say, the day on which the votes in said election were

counted, that a certificate of election was issued to contestee herein upon said date. Your petitioner also attaches a copy of a notice of this contest served upon the contestee herein on the — day of August, 1913, showing your petitioner's purpose and intention to contest the election herein referred to, which notice was delivered to contestee in person.

6. Wherefore, your petitioner prays that this honorable body hear this contest in the manner provided by law, and that he be declared entitled to a seat in this honorable body as Senator from the First Senatorial District of Texas, and be declared duly and legally elected as such.

C. A. WHEELER,
Contestant.

I, C. A. Wheeler, contestant named in the above and foregoing petition, state upon my oath, that the facts alleged in said petition are true to the best of my knowledge and belief.

C. A. WHEELER.

Sworn to and subscribed before me this the 4th day of August, A. D. 1913.
(Seal) O. W. HARDY,
Notary Public in and for Travis County, Texas.

EXHIBIT "C."

In the Senate of the State of Texas.
C. A. Wheeler, Contestant, vs. A. C. Oliver, Contestee.

Now comes the contestant in the above entitled cause and files this his supplemental statement to his original statement of contest heretofore filed, and as additional reasons why his contest should be sustained alleges and shows to the Senate as follows:

That among other voting boxes or precincts in Cass county at which elections were held on July 19, 1913, for the purpose of electing a Senator from the First Senatorial District of Texas, were the following voting boxes cast: Galloway, Cusseta, Bloomburg, Atlanta and Cass.

That at said election held in the above mentioned voting boxes this contestant and the contestee received votes as follows:

At Galloway: Contestant, 19; contestee, 30.
At Bloomburg: Contestant, 16; contestee, 21.
At Cass: Contestant, 4; contestee, 23.
At Atlanta: Contestant, 115; contestee, 132.

At Cusseta: Contestant, 19; contestee, 30.

That at all of the voting boxes above named, all of the votes cast were void and illegal and should not be counted for either the contestant or the contestee because at said Galloway box the judge of the election failed and neglected to, and did not number the ballots voted at said box as is required by law, and at each and all of the other voting boxes above mentioned, the judge of the election engaged in holding the same, failed to sign his name upon the ballots cast as is required by law.

That if the ballots cast of the above voting boxes be rejected and not counted in estimating the result of said election throughout said district, this contestant's majority of the legal votes cast at said election in said district will be greatly increased over and above that stated in his original statement of contest filed herein.

Wherefore, contestant prays that the above illegal ballots be rejected and not counted in estimating the result of said election in said district, and also prays as in his original statement of contest filed herein.

C. A. WHEELER,
Contestant.

Sworn to and subscribed before me this the 12th day of August, A. D. 1913.
(Seal) A. B. CATES,
Notary Public, Travis County, Texas.

EXHIBIT "D."

IN RE CONTEST OF C. A. WHEELER
OF THE ELECTION OF A. C.
OLIVER AS SENATOR FROM
THE FIRST SENATORIAL
DISTRICT OF TEXAS.

To the Honorable, the Senate of Texas:

Now comes A. C. Oliver, contestee herein, and for reply to the notice of and petition contesting his election as the Senator from the First Senatorial District of Texas at the election held therefor on July 19, 1913, filed herein by C. A. Wheeler, contestant:

(1)

Contestee demurs to Subdivision (a) of paragraph 3 of contestant's petition herein, and says same is wholly insufficient in law to require answer or proof, and furnishes no ground or reason in law why such votes should not be counted as legal ballots; whereof he prays judgment.

(2)

Contestee demurs to Subdivision (d) of paragraph 3 of contestant's petition herein, and says that same is wholly insufficient in law to require an answer or proof, and set forth no facts in law authorizing a refusal to count such votes as legal ballots; whereof he prays judgment.

(3)

Contestee demurs to Subdivision (e) of paragraph 3 of contestant's petition herein, and says same is wholly insufficient at law to require answer or proof, and sets forth no reasons in law why such votes should not be counted as legal ballots; whereof he prays judgment.

And for answer, if required to answer, contestee denies all and singular the allegations in said petition of contestant and demands strict proof.

And further answering herein contestee says that at the election duly ordered and held on July 19, 1913, in the several counties composing the First Senatorial District of Texas for the election of Senator from said district there were three candidates for said office, to-wit: L. H. Henry, C. A. Wheeler and this contestee, A. C. Oliver, each of whom received in the several counties composing the said Senatorial District the following votes:

In Bowie county—

| | |
|--------------------|---------|
| L. H. Henry..... | — votes |
| C. A. Wheeler..... | — votes |
| A. C. Oliver..... | — votes |

In Cass county—

| | |
|--------------------|---------|
| L. H. Henry..... | — votes |
| C. A. Wheeler..... | — votes |
| A. C. Oliver..... | — votes |

In Marion county—

| | |
|--------------------|---------|
| L. H. Henry..... | — votes |
| C. A. Wheeler..... | — votes |
| A. C. Oliver..... | — votes |

In Morris county—

| | |
|--------------------|---------|
| L. H. Henry..... | — votes |
| C. A. Wheeler..... | — votes |
| A. C. Oliver..... | — votes |

giving to each of said candidates a total vote as follows:

| | |
|--------------------|------------|
| L. H. Henry..... | 1198 votes |
| C. A. Wheeler..... | 1683 votes |
| A. C. Oliver..... | 1707 votes |

giving him a plurality of twenty-four (24) votes in said district at said election.

That thereafter in accordance with

law the returns of said election were duly made and canvassed and by the respective county judges of said district certified to Hon. Lee Tidwell, county judge of Bowie county, Texas, who duly canvassed the returns and certified the same to the Secretary of State on August 4, 1913, and in accordance therewith the Honorable Secretary of State on the 6th day of August, 1913, certified that your contestee having received the largest number of votes cast for any one candidate according to the returns made to his department is the duly elected and accredited Senator from the First Senatorial District, having received a majority of twenty-four (24) votes over the next highest candidate, which certificate is on file with this Honorable Body.

For further answer herein this contestee states that at said election held July 19, 1913, the duly appointed officers of the Douglasville voting box in Cass county organized and held said election and made returns thereof as provided by law. That said election was fairly held and thereat the legal voters residing in said voting precinct cast their ballots according to their choice and desires, and there was so far as contestee knows no illegal voting and no fraud, or illegal acts there on the part of the officers of said election or any candidate for Senator there voted for.

That the parties named in the petition of the contestant herein voting at said box are according to the information of this contestee legally qualified voters in said voting precinct, and had a right to vote thereat.

Further answering herein, contestee says that he has not sufficient information to say whether or not the acts complained of as to the officers of said election leaving the voting place and the ballots and supplies used at said election for the purpose of partaking of refreshments are true, but contestee says that if same was done same was not done fraudulently or for any illegal purpose, and that such action of the election officers, if same occurred, as alleged, did not prevent any legal voter residing in said precinct from casting his ballot at said election.

Contestee further answering says that the ballots cast at said voting box in Douglasville were certified by the managers and officers of said box, and the same was duly returned, counted and canvassed by the commissioners court of Cass county, Texas, in accordance with law. That contestee has no means of knowing whether or not said ballots were

numbered or whether or not the presiding judge of said election wrote his name upon said ballots as provided by law, but says that the officers of said election counted and returned 138 legal votes as being cast at said election, of which 118 were cast and counted for this contestee, 18 votes for contestant, C. A. Wheeler, and 2 votes for L. H. Henry. That said votes were honestly and fairly cast by legal voters in said voting precinct, and said election was honestly and fairly conducted, counted and returned by the officers and managers of said election at said box, and no fraud or dishonesty, or dishonest or fraudulent motives actuated the officers of said election at said voting box in the conduct thereof, and if any act or thing was omitted by them in the conduct of said election same was inadvertently done and without purpose or motive of in any way depriving voters of said election precinct of their lawful ballot or the candidates for Senator at said election of the legal ballots cast for them, respectively.

Wherefore contestee says that he has been duly and legally elected and accredited Senator from the First Senatorial District in the manner provided by law, and prays that he be declared entitled to a seat in this Honorable Body as Senator from the First Senatorial District of Texas, and be declared duly and legally elected as such, for costs hereof, etc.

A. C. OLIVER.
Contestee.

I, A. C. Oliver, contestee named in the above and foregoing reply, state upon my oath that the facts alleged in said reply are true to the best of my knowledge and belief.

A. C. OLIVER.

Sworn to and subscribed before me, this 12th day of August, A. D. 1913.
(Seal.) A. B. CATES,

Notary Public in and for Travis county, Texas.

I hereby certify that on the 12th day of August, A. D. 1913, I delivered to C. A. Wheeler in person in the city of Austin, Travis county, Texas, a true copy of the above and foregoing reply.

A. C. OLIVER,
Contestee.

EXHIBIT "E."

In re Contest of C. A. Wheeler of the election of A. C. Oliver as Senator from the First Senatorial District of Texas: To the Honorable Senate of Texas:

Now comes the contestee, in the above

matter and in reply to the supplemental statement filed by contestant herein, says:

That in the following named boxes the votes returned by the election officers were numbered but not signed, namely:

Roach box, Marietta box, Cusseta box, Bryan's Mill box, Lanier box, Cass box, Bloomburg box, Atlanta box, and that at Galloway box the ballots returned by the officers of said box were not numbered but were signed by presiding officers.

That in Marion county the returns show as follows:

At Lodi box, where twenty (20) votes were cast, there was no signature of the presiding officer and no number on said ballots, and at Mims Chappel box, in said county, there were sixteen (16) votes cast, of which one ballot was numbered only, and the remaining ballots neither numbered or signed; at Kellyville the ballots cast and returned were numbered but were not signed by the presiding officer.

That at each and all of said boxes the elections were fairly and honestly held by the officers thereof and no frauds were perpetrated therein as to any candidacy, but the errors in marking and returning said ballots, if any, were the results of inadvertence and lack of information of the officers holding said election.

That contestee has not had time to examine the ballots and returns in Morris and Bowie counties, but alleges the fact to be that at each and every voting precinct in the several counties composing the First Senatorial District, the ballots of the legally qualified voters were honestly and legally cast and the same received, counted and returned and the election conducted by the managers of said voting boxes fairly and honestly and the returns thereof as certified to this honorable body should not be disturbed. That if said boxes are to be thrown out, then that all boxes and ballots and returns be examined, and if this is done contestee will be shown to have a plurality of legal votes over contestant.

A. C. OLIVER,
Contestee.

EXHIBIT "F."

The State of Texas,
Department of State.

I, F. C. Weinert, Secretary of State of the State of Texas, do hereby certify

that Judge Lee Tidwell, county judge of Bowie county, Texas, has certified to this department the returns of the special election held on July the 19th, 1913, in the First Senatorial District of the State of Texas to select a Senator from the First Senatorial District to succeed the Hon. Horace W. Vaughan, resigned. That the result of said election shows that Hon. A. C. Oliver received 1707 votes, Hon. C. A. Wheeler 1683 votes, and Hon. L. H. Henry 1198 votes; and I do hereby certify that Hon. A. C. Oliver, having received the largest number of votes cast for any one candidate, according to the returns made to this department, is the duly elected and accredited Senator from the First Senatorial District, having received a majority of twenty-four votes over the next highest candidate.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Texas, this the 6th day of August, A. D. 1913.

(Seal) F. C. WEINERT,
Secretary of State.

EXHIBIT "G."

In the Senate of Texas.

C. A. Wheeler, Contestant, vs. A. C. Oliver, Contestee.

It is agreed that votes were cast and counted for the contestant and contestee in the following voting boxes in Cass county at the election of July 19, 1913, as follows:

At Douglasville: Contestant, 18; contestee, 118.

At Cass: Contestant, 4; contestee, 23.

At Bloomburg: Contestant, 16; contestee, 21.

At Atlanta: Contestant, 115; contestee, 132.

At Cusseta: Contestant, 19; contestee, 30.

At Galloway: Contestant, 21; contestee, 25.

At Roch: Contestant, 22; contestee, 13.

At Marietta: Contestant, 19; contestee, 16.

At Lanier: Contestant, 37; contestee, 37.

At Bryan's Mill: Contestant, 43; contestee, 34.

At Douglasville box all of the ballots were numbered, but none of them were signed by the judge or manager of the election.

35—S

That at the Galloway box all of the ballots were signed by the judge, but none of them were numbered.

That at the Cass, Atlanta, Cusseta, Bloomburg, Roach, Marietta, Lanier and Bryan's Mill boxes the ballots were properly numbered, but were not signed by the judge.

W. S. THOMAS,

Attorney for Contestant.

ROLLIN W. ROGERS,

Attorney for Contestee.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 19, 1913.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum being present, the following Senators answering to their names:

| | |
|-------------------|------------|
| Astin. | Lattimore. |
| Bailey of DeWitt. | McGregor. |
| Bailey of Harris. | McNealus. |
| Brelsford. | Morrow. |
| Carter. | Nugent. |
| Clark. | Oliver. |
| Collins. | Real. |
| Conner. | Taylor. |
| Cowell. | Terrell. |
| Darwin. | Townsend. |
| Gibson. | Warren. |
| Greer. | Watson. |
| Hall. | Westbrook. |
| Harley. | Wiley. |
| Hudspeth. | Willacy. |
| Johnson. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Terrell.

(See Appendix for standing committee reports.)

Morning call concluded.

EXECUTIVE SESSION POSTPONED.

Action recurred on the pending motion for the postponing of the holding of the executive session until 2:30 o'clock to-day, which motion was adopted.

MOTION TO RECALL HOUSE BILL NO. 9 FROM HOUSE.

Action recurred on the pending business, motion by Senator Hudspeth to re-